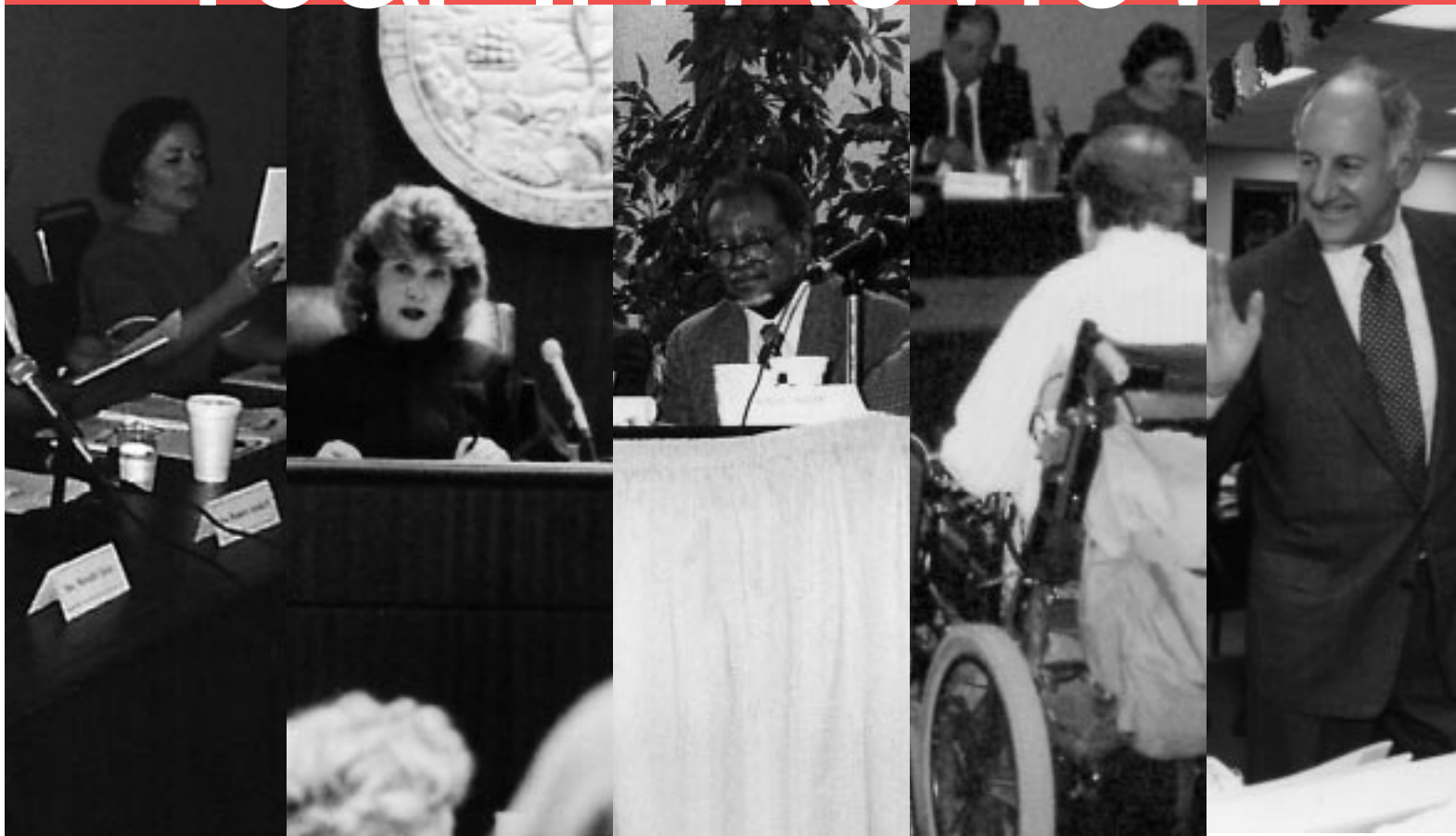
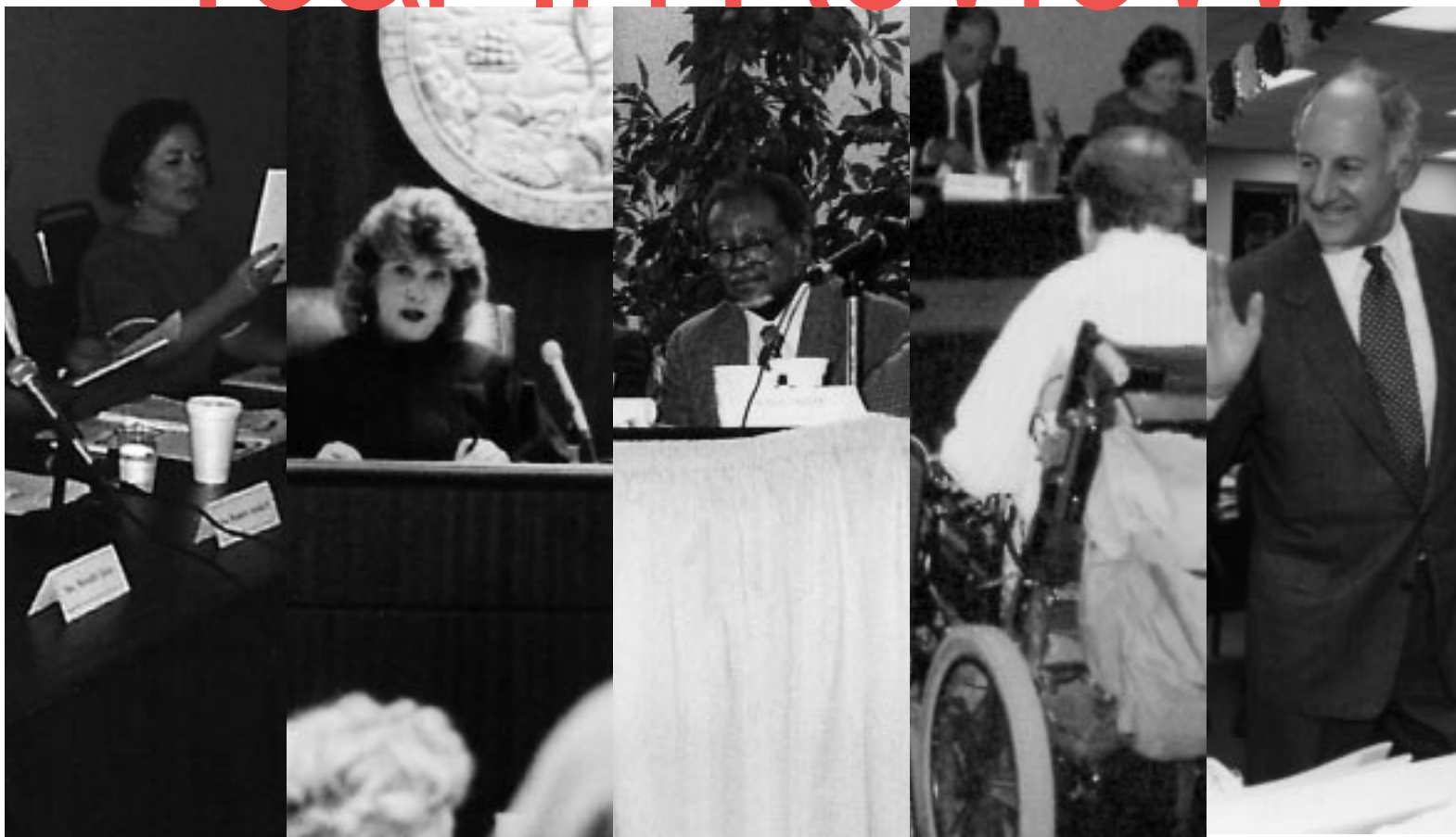


Judicial Council of California 1996 Year In Review



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Chief Justice Ronald M. George
Chair, Judicial Council

William C. Vickrey
Administrative Director of the Courts

Year In Review

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HON. PAUL BOLAND
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Administrative Director of the Courts

Letter of Transmittal

To the Honorable Pete Wilson,
Governor of the State of California,
and Members of the Legislature:

The *Judicial Council 1996 Year in Review* is presented pursuant to the provisions of article VI, section 6 of the California Constitution.

Hon. Ronald M. George
Chair, Judicial Council of California

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JUDICIAL COUNCIL OF CALIFORNIA

First row (left to right): Hon. Risè Jones Pichon, Hon. Marvin R. Baxter, Ms. Glenda Veasey, Chief Justice Ronald M. George, Hon. Eleanor Provost, Mr. Brian C. Walsh, Hon. Melinda A. Johnson.

Second row (left to right): Hon. J. Richard Couzens, Hon. Brenda Harbin-Forte, Hon. Albert Dover, Hon. Richard D. Huffman, Hon. Kathryn D. Todd, Mr. Maurice Evans, Ms. Sheila Gonzalez, Hon. Nori Anne Walla.

Top row (left to right): Hon. Paul Boland, Mr. William C. Vickrey, Hon. William F. McDonald, Mr. Joseph A. Lane, Hon. Roger W. Boren, Hon. Arthur G. Scotland, Hon. Jon M. Mayeda, Mr. Ronald Overholt.

Not pictured: Hon. John L. Burton, Hon. Martha M. Escutia, Hon. Lois Haight, Mr. Harvey I. Saferstein, Mr. Stephen V. Love.

CHAired BY CHIEF JUSTICE Ronald M. George, the Judicial Council of California is the state constitutional body dedicated to improving the administration of justice in California. In his 1997 State of the Judiciary Address to the California Legislature, the Chief Justice noted, “The underlying theme that flows through all of the judicial branch’s efforts is a simple one: to keep our courts accessible so they can continue to serve the people of California by providing a fair and objective forum for the adjudication of disputes.”

Preserving Justice In the California Courts



Chief Justice George, with Presiding Justice James A. Ardaiz, Court of Appeal, Fifth Appellate District, and AOC Director Bill Vickrey, visited Kings County to discuss the crisis in trial court funding and other key issues with local judges and court staff. *Photo: Gary Kazanjian, The Sentinel.*

Adds William C. Vickrey, Administrative Director of the Courts, “We aim to make the judicial system more responsive to the changing needs of the public and give judges the opportunity to treat cases individually.”

The council’s broad range of duties and activities is carried out with the support of its staff agency, the Administrative Office of the Courts (AOC), under the leadership of William C. Vickrey. The council also relies on the work of many specialized advisory committees, whose members are drawn from the judiciary, judicial branch employees, the bar, and the public. Over 300 volunteers devote substantial time and expertise to studying and making recommendations on diverse facets of the practices and procedures governing California’s judicial system.

Promoting Participation, Diversity, Dialogue

Five years ago, the Judicial Council significantly changed its organizational structure, role, and committee membership selection process in order to broaden participation in council activities. The changes have encouraged diversity in appointments to the council and its committees, improved the council’s ability to represent the courts, and enhanced overall communication with the judiciary. Continuing on

this path, the council in 1996 launched an outreach program that not only facilitates the sharing of views and concerns among judges and court officials at all court levels but also strengthens the council’s role as central planner and primary justice system advocate with the Governor and the Legislature.

Reaching out to the courts

After taking his oath of office on May 1, 1996, Chief Justice George resolved to visit the courts in every California county—the first such commitment by a California Chief Justice. By year’s end he had traveled to 20 of the 58 counties, and he has pledged to visit the remainder by the end of 1997. At each court location, the Chief Justice listens to judges and court officials and gathers ideas and suggestions for maintaining and improving the justice system. He has called the visits an “invigorating and inspiring experience.”

In 1997, other Judicial Council members will make court visits as well, which will increase their knowledge of courts’ needs and priorities and serve to better inform the council in making policy decisions on behalf of the judicial branch.

“I embarked upon this outreach effort in order to obtain a direct sense of the issues facing the courts statewide and to share with the courts my vision for the future of our branch of government.”

—Chief Justice
Ronald M. George

San Diego Union
December 14, 1996

Chief Justice Goes to Bat on Behalf of State Court System

Groups of council members now send letters to all judges and court administrators after each council business meeting. The letters summarize council decisions, provide information of special interest, and strengthen communication with justice system participants. In addition, council members write columns on key topics in *Court News*, the bimonthly newsletter published by the AOC for judges and court staff.

Judicial Council Mission Statement

To provide leadership and service to promote the fair, accessible, and effective administration of justice in California.

Judicial Council Goals

To improve:

- access, fairness, and diversity;
 - independence;
 - modernization;
 - quality of judicial officers and personnel; and
 - education.
-

The Chief Justice hopes that these efforts will enhance and encourage the free flow of information to and from the Judicial Council and all interested parties. “I embarked upon this outreach effort in order to obtain a direct sense of the issues facing the courts statewide and to share with the courts my vision for the future of our branch of government,” he explains. His hope, he says, is to “foster continuing, active, informed dialogue about how we can ensure

Daily Republic

August 17, 1996

Top Judge Commends Solano Court System

that California’s judicial system will be prepared to serve our citizens into the next century.”

Reaching out to other branches

In addition to court outreach efforts, the Judicial Council is enhancing communication between the state courts and other branches of state government in other ways. For example, with more than 2,000 court-related measures considered annually by the Legislature, effective communication with that body is essential. Two key programs are facilitating that effort: The “Day-on-the-Bench” project, cosponsored by the Judicial Council and the California Judges Association, gives state legislators a chance to visit a courtroom in their district to observe court proceedings firsthand and meet judges, litigants, and court administrators at work. Annual meetings also are held each January with executive and judicial branch officials to provide an informal opportunity for discussions about the nature of court workload and other issues of significance to the judicial, legislative, and executive branches.

**The Judicial Council's
vision for the California
court system is defined in
its long-range strategic
plan—*Leading Justice
Into the Future.***

The judicial branch Web site address is www.courtinfo.ca.gov.



California Judicial Branch Web site, which includes a specialized site on the Internet for the general public. A limited-access judicial branch education site called Serranus (named after the first Chief Justice of California) is in operation to meet the needs of the judicial branch.

The public Web site includes the full text of “slip opinions” of the California Supreme Court and the California Courts of Appeal that have been certified or ordered published. Maintained by the AOC, the Web site also features information about all levels of the state’s court system. It offers publications produced by the Judicial Council and provides information about the council’s many activi-

Reaching out to the public

As a service to the bench, court staff, the bar, and the public, the Judicial Council has established the State of

ties to improve state court administration. The judicial branch Web site address is www.courtinfo.ca.gov.

Welcoming Diverse Perspectives

Members of the Judicial Council and its committees and task forces include judges, court staff, the general public, and representatives of public agencies. Members are selected by a nominating process designed to draw applicants from throughout California's judicial branch. Diversity of experience, gender, ethnic background, and geography are among the guiding criteria for selection. The terms of office are staggered, with one-quarter of the Judicial Council's membership changing each year, which serves to provide continuity.

In accordance with the state Constitution, the 21 members of the council include the following:

- The Chief Justice;
- 14 judges appointed by the Chief Justice:
 - One associate justice of the Supreme Court,
 - Three judges of the Courts of Appeal,
 - Five superior court judges,
 - Five municipal court judges;
- Four attorney members appointed by the State Bar Board of Governors; and
- One member from each house of the Legislature.

The council also has six advisory members, including a representative of the California Judges Association and state court administrators for all court levels.

The Chief Justice appoints each member of the Judicial Council to serve on one of three internal committees (*see also chapter 3, "Committee Reports"*).

"Recognizing the importance of the views and concerns of those who deal with the daily challenges of California's complex judicial system, the Judicial Council has renewed its commitment to a meaningful and productive dialogue with the courts of our state, the legal community, and the public they serve."

—Justice Arthur G. Scotland



Hon. Arthur G. Scotland
Associate Justice of the Court of
Appeal, Third Appellate District
Co-Chair, Executive and Planning
Committee

San Bernardino Sun Bulletin
January 23, 1997

**Chief Justice Hails
County's Trial Courts;
Praises Judges for Hard
Work, Innovation in
Handling Cases**

First Visit by a State Chief Justice to Imperial County

1996 Highlights, 1997 Challenges

At its planning workshop in March 1996, the Judicial Council identified four fundamental strategic issues facing the California judicial branch:

1. Role of courts in society;
2. Governance;
3. Independence and accountability; and
4. Interactions with the public.

New activities for 1997 that were undertaken as a result of the council's March 1996 planning workshop include:

Judicial Council operating rules

The Judicial Council directed the revision of the California Rules of Court that outline the council's operating procedures and the rules regarding internal and advisory committees.

New task force

The Judicial Council directed the appointment of a Special Task Force on Courts and Community Outreach that will focus on a wide range of issues related to court and community relations. Some of its activities may include compilation of a resource book listing model court-community outreach programs that already exist in California, regional "how to" workshops to assist courts in developing community outreach programs, and the development of public education materials for use by judges and court personnel in their outreach activities.

Statewide planning conference

A first-ever Statewide Court Planning Conference will be held in Spring 1998 and will involve county "teams" consisting of court representatives, other judicial system agency officials, and members of the public. This conference will assist courts with local action planning, emphasize the need for community involvement in court planning, and create an opportunity for dialogue between the courts and the Judicial Council regarding its long-range strategic plan.

“The Judicial Council welcomes suggestions for improving the administration of justice. All suggestions from judges and court administrators receive careful attention from the council, its committees, and professional staff. The continued vitality of our court system depends on shared information and ideas from those who work in the court system and who care deeply about improving it.”

—Judge Paul Boland



Hon. Paul Boland
Judge of the Los Angeles County
Superior Court
Chair, Rules and Projects Committee

Executive and Planning Committee

Directs and oversees the conduct of business and the operating procedures of the Judicial Council; oversees the implementation of the council’s long-range strategic plan; develops and conducts the council’s annual planning workshop; ensures that the judicial branch budget is tied to the long-range plan; and serves as the nominating committee for vacancies on the council and its advisory committees.

Policy Coordination and Liaison Committee

Represents the Judicial Council in discussions with other agencies and entities, such as the Legislature, Governor’s Office, and State Bar; reviews and makes recommendations on Judicial Council–sponsored legislation, reviews pending bills, determines council’s policy positions, and advocates those policy positions.

Rules and Projects Committee

Directs and oversees the conduct of business and operating procedures of the advisory committees and task forces. Directs and oversees the development and approval of the California Rules of Court, the California Standards of Judicial Administration, and Judicial Council forms.

Monitoring Key Issues

To perform its duties, the Judicial Council must be aware of issues and concerns confronting the judiciary and must develop appropriate solutions and responses on behalf of the judicial branch. Part of this need is met by communicating with advisory committees made up of diverse groups of judges, court administrators, attorneys, court support staff, public agency representatives, and the general public. These committees oversee special topics and areas of

During 1996, more than 100 projects and studies were under way to implement the goals outlined in the Judicial Council’s long-range strategic plan.

Two views, same conclusion: 'User-friendly' courts win over judge, prospective jurors alike

It just so happened that we were on jury duty on Feb. 28 when California Chief Justice Ronald M. George toured the county courthouse. While our experience no doubt was very different from his, we came to many of the same conclusions.

George was there as part of a tour of several county courthouses to get a firsthand look at some of the local justice system's successes and problems. Last year, he appointed a statewide Task Force on Jury Instructions, and the Judicial Council of California has been looking into improvements in juries.

Our presence was under quite different circumstances, the involuntary discharge of a civic duty to answer a jury summons and show up for the 7:45 a.m. check-in. Our paths never intersected, and chances are pretty good that the judge did not dig deep for change at a coffee mess, as we did. For a prospective juror, the long line that crept around the wall of the first floor stirred old memories of waiting in line in the military. Alas, chief judges, like admirals, do not hurry up and wait.

But our experience, though dramatically different, was generally consistent with the positive experience for jurors conjured by the visiting chief justice. George said he was impressed with the one-day, one-trial jury selection system and "user-friendly" services in the Santa Ana courthouse. That generally squared with the experience of being a prospective juror. Courthouse personnel went out of their way to show consideration, mindful that many were there at some hardship or inconvenience.

The overcrowding problem in the jury assembly room was immediately apparent, and many jurors were dispatched to wait in the third-floor cafeteria. As much as this inconvenience needs a permanent remedy, jurors that day did get to return to the first-floor jury room.

Superior Court Judge H. Warren Siegel came by to give a short but informative talk on the importance of serving on juries. Civic duty also got a boost in a good film, narrated by the actor Fess Parker, explaining the jury process and the expectations for jurors.

We know that jury duty is disruptive for almost everyone, and for many, it is a real sacrifice. George's presence indicated a laudable statewide effort to improve the experience. Orange County can be proud that its own county courthouse is in the vanguard of making that experience a positive one.

Over 300 volunteers
devote substantial time
and expertise to studying
and making recommen-
dations on diverse facets
of the practices and
procedures governing
California's judicial system.

law and make recommen-
dations to the council. Ad-
visory committee reports
usually are received by the
Rules and Projects Com-
mittee and forwarded to the
council with recommenda-
tions for action.

Task forces handle individual proposals or issues of major importance or complexity that either do not fall under the jurisdiction of an advisory committee or would interfere with the committee's ability to meet its primary goals. Task forces report to an advisory committee or a Judicial Council committee, which in turn makes recommendations to the full council. (*See chapter 3, "Committee Reports."*)

Planning for the Future

The Judicial Council's vision for the California court system is defined in its long-range strategic plan—*Leading Justice Into the Future*—which outlines goals and action plans for the council's advisory committees and the Administrative Office of the Courts. The plan, which is annually reviewed and updated, was developed with the assistance of judges and court administrators from across the state, as well as representatives of the State Bar, the Legislature, the executive branch, and the public.

The Judicial Council implements parts of the plan at the state level by adopting policies, court rules, and stan-

"In 1996, meetings
were organized
between Chief Justice
George and the
leadership of civil and
criminal bar associations to discuss legislative and
other issues of mutual concern, and to reinforce and
enhance communications between those groups
and the judicial branch."



Hon. Marvin R. Baxter
Associate Justice of the Supreme Court
Chair, Policy Coordination and Liaison
Committee

—Justice Marvin R. Baxter

dards of judicial administration, proposing legislation, and conducting studies. At the local level, courts are asked to develop plans that are supportive of the long-range plan and responsive to the special needs of their communities.

The plan embodies the council's vision that the branch take responsibility for managing the judicial system to ensure the fair administration of justice across the state, while supporting the local courts' decision-making authority in court management matters.

CHIEF JUSTICE RONALD M. GEORGE, as Chair of the Judicial Council, has dedicated his administration to strengthening public access to the California court system. Essential to accomplishing that goal is the establishment of a secure system for financing the operations of the 174 superior and municipal courts. "Funding is our most crucial policy issue and number-one legislative priority," he told the California Legislature in his State of the Judiciary Address. "I pledge, personally and on behalf of the Judicial Council, to continue to work unceasingly to see state funding implemented." As a result, trial court funding issues dominated the Judicial Council's 1996 agenda and remain its top concern for 1997.

*Funding, Coordination
Crown Challenging Year*



The Judicial Council's Oversight Committee for the California Drug Court Project was established to encourage the development of drug courts like this one in Riverside County. Municipal Court Judge Jean Pfeiffer Leonard (above) hears all drug court cases in western Riverside County. She sees some 250 cases each week.

Photo: Carlos Puma, Press Enterprise.

More than 100 projects and studies are under way to implement the goals outlined in the Judicial Council's long-range strategic plan. Following are highlights of the council's key challenges and achievements in 1996.

Funding Crisis Worsens

An extremely critical funding crisis continues for most California trial courts. In recent years, severe funding shortages have forced most to cut services and public hours, withhold juror compensation, and compromise court security. In 1997, as in the previous year, trial court operations were disrupted by critical funding shortfalls. By March, some trial courts in smaller counties reported to the Judicial Council that they were within days of closing their doors. Alpine County came within hours of meeting its court payroll, having a balance of 88 cents in its account. In addition, trial courts in 16 other counties faced closure by the end of March, 26 other courts by April, and still others by June.

Emergency funding

The Judicial Council, acting on a recommendation from the Trial Court Budget Commission, provided emergency loans to small courts to enable them to meet their

payrolls through March 1997. A larger statewide court crisis was averted when Governor Pete Wilson signed Senate Bill 21 (Lockyer), which provided \$290.5 million to fund courts through June 30, the end of the 1996–97 fiscal year.

SB 21, however, left intact the current bifurcated system of funding, which forces trial courts to solicit financing from both the state and their own often financially stressed counties. Some courts have threatened to take legal action to compel their counties to provide funding that would allow courts to operate at least at a minimal level. Under Government Code section 68073, trial courts may submit a notice of deficiency to the council's Trial Court Budget Commission and request permission to force sufficient county funding.

Clearly, an urgent need remains for a permanent state-funding solution to the fiscal needs of the trial courts. In signing SB 21, Governor Wilson acknowledged that the measure "is only a short-term fix to an issue that demands a long-term solution" and added, "I would urge the Legislature to pass long-term restructuring as soon as possible."

Noted Chief Justice George: "The three branches of government should not have to go through the annual spectacle of narrowly averting the closing of courtroom doors and the dismissal of cases owing to lack of a stable

"Funding is our most crucial policy issue and number-one legislative priority," Chief Justice George told the California Legislature in his 1997 State of the Judiciary Address.

Daily Journal
February 18, 1997

Judicial Council Allots Funds to Stave Off Closure of 16 Courts

funding source for operating the courts. The events of the past few months have demonstrated the havoc visited upon our courts and the people who use them, as well as the tremendous waste of public resources, occasioned by the instability of the present system.”

A long-term solution

For the past two decades, the council has vigorously pursued the goal of complete state funding for the trial courts. Shifting fiscal responsibility for the trial courts from the counties to the state would ensure that all Californians obtain equal access to justice, regardless of the financial health of the county in which they reside. With stable and predictable funding, all courts would be able to maintain a basic level of public service.

Progress toward that goal has been steady in recent years. In 1996, a widespread consensus was reached on legislation that would have provided a permanent solution, but the bill failed passage because of a disagreement over a management-labor issue. This left the court system with a \$290 million shortfall in its budget for fiscal year 1996–97 because no statutory funding authority existed for fines and forfeitures, historically part of court funding, to be appropriated to the courts.

Negotiations now are continuing among lawmakers, the Governor, the Judicial Council, the courts, and the counties over a long-term trial court funding measure. Four nearly identical bills introduced in the Legislature proposed to shift responsibility for court funding to the

San Francisco Chronicle

January 14, 1997

Retired Judges to Assist Swamped Trial Courts

state. Assembly Bill 233 (Escutia) was approved by the Assembly Judiciary Committee in March 1997.

Chief Justice George remains optimistic about the passage of that legislation. “I believe that the cooperation and support of so many key participants will allow this reform to succeed. It will be one of the most important developments in the state justice system,” he said.

New judgeships

California courts acquired some relief in 1996 with the passage of Assembly Bill 1818, which authorized 21 new trial court judgeships and five new appellate court judgeships, the first new judgeships in almost a decade.

Three-strikes teams

Judicial Council–supported legislation included in the 1996 budget bill provided for the formation of a special team of retired judges to assist courts in clearing three-strikes cases. Senate Bill 1393 provided \$3.5 million for the Three-Strikes Relief Team program, created to ensure that second- and third-strike cases are not dismissed because of inadequate judicial resources.

The council also continued its “Three Strikes Network,” which circulates information among the courts about pro-

Los Angeles Times

January 30, 1997

Panel Calls for Attack on Race Bias in Courts

cedures courts have found useful in coping with the effects of the law, and is working on a comprehensive assessment of the law's impact on court operations. The results of two surveys were released in 1996. The first survey covered filing and disposition data from January through June 1995, and the second examined the data from July through December 1995.

Trial Court Coordination Reaches Key Milestones

All coordination plans approved

By November 1996, the trial courts in all 58 California counties had a Judicial Council–approved coordination plan that met council standards and guidelines. All counties now also have a countywide, coordinated technology implementation plan that will enable trial courts to make planned, well-reasoned technology decisions.

SCA 4

In 1996, the Legislature passed Senate Constitutional Amendment 4 (SCA 4), which authorizes the unification of the trial courts in a county upon an affirmative vote by its superior and municipal court judges. The Legislature's approval allows the amendment to appear on the statewide election ballot in June 1998. If there is a special statewide

election before that time, the amendment will appear on that earlier ballot.

Improving Access and Fairness

Important strides were made through the council's Access and Fairness Advisory Committee:

Racial, ethnic bias recommendations

The *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* contains recommendations for eliminating barriers to equal access by minority groups and women to the state court system.

Persons with disabilities

A recently completed report indicates that many Californians believe persons with disabilities have less access to court programs, activities, and services than persons without disabilities. The council directed the Access and Fairness Advisory Committee to develop a plan to respond to this report. The Education and Implementation Subcommittee is developing a videotape to sensitize court officials about barriers to court access faced by people with disabilities.

Gender fairness

A 16-page booklet on gender fairness issues, entitled *Guidelines for Judicial Officers: Avoiding the Appearance of Bias*, was distributed to all judges and court staff.

Los Angeles Times

October 20, 1996

State Chief Justice Urges Lawyers to Give More Free Services to the Poor

Access for low-income residents

In May 1996, the council adopted a resolution endorsing a joint pro bono effort with the State Bar. In a letter to California attorneys, Chief Justice George urged lawyers from all practice settings and levels of experience to offer legal services to the indigent on a pro bono basis.

Expanding Drug Treatment Courts

The federal and California state governments are jointly promoting the expansion of "drug treatment courts." Drug courts combine the close supervision of the judicial process with resources available through alcohol- and drug-treatment services. The goals are to reduce recidivism of drug-related offenses and to create options within the criminal justice system to tailor effective and appropriate responses to offenders with drug problems. In 1996, an oversight committee was appointed for the California Drug Court Project, initial federal funding of \$500,000 was provided for the project from the Edward Byrne Program, and 25 applications from courts were approved by the Judicial Council for grant awards to start drug courts.

Continuing Education for Courts

In California, judicial education is mandatory for newly appointed trial judges and appellate justices and is required for judges handling family law matters. This training is provided by the Judicial Council through the Center for Judi-

cial Education and Research (CJER), part of the Education Division of the AOC. CJER offers comprehensive programs for state judicial officers and court staff. Approximately one-third of all sitting judges and many court staff in California participate as planners or faculty for judicial education programs on a pro bono basis.

More Efficiency Through Technology

During 1996, a new methodology was developed for evaluating trial court requests for state funding of information technology projects. Trial courts in all 58 counties were assisted in developing countywide technology plans to improve cost-effectiveness and efficiency among existing automation systems.

Improving Justice for Children and Families

Family Law Court 2000: A Proposal to Restructure California's Forum for the Resolution of Family Related Conflicts was drafted to simplify family law procedures. It will be considered by the Judicial Council in 1997. The Judicial Council also is in the process of reviewing court practices and procedures relating to children and youth in California's child welfare and juvenile justice system, with a

Los Angeles Daily Journal

February 20, 1997

L.A. County to Add Three Municipal Drug Courts

special focus on abused and neglected children whom the courts have placed out of home. In addition, a free Attorney Training Program was established for court-appointed counsel representing children. During 1996, 17 all-day programs were conducted. One of the program's chief successes is providing training to rural counties, where training opportunities are rare. Also in 1996, a reunion of the 1994 conference on courts and domestic violence was held, at which some 200 participants from 49 counties explored specific ways to respond to family violence.

Jury Reform

To attract jurors and make jury service a more convenient and rewarding experience, a blue ribbon commission was appointed in 1996 to conduct a thorough review of all aspects of the jury system. The commission submitted recommendations to the council in the *Report of the Blue Ribbon Commission on Jury System Improvement*. The council voted to sponsor legislation in 1997 based on recommendations made in that report (see “Notable 1997 Court Improvement Bills” at the end of this chapter).

Cameras in Court

The council in May 1996 voted to retain judicial discretion over the use of camera coverage in state courts. The council banned all coverage of jurors and spectators, however, and identified 18 factors that judges should consider in ruling on a request for camera coverage. The amended rule 980 took effect on January 1, 1997.

Appellate Court Elections

The Legislature approved Assembly Bill 1936, which modifies the ballot pamphlet language in appellate court retention elections to more clearly define the appointment process for appellate justices and the operation of terms in the appellate courts. The ballot will explain that not all terms involve the same number of years by noting that many judicial appointees serve the remainder of a term that has been vacated through retirement or death.

Celebrating Court Excellence

Despite often severe resource shortages, courts throughout the state are developing highly creative programs to improve their efficiency and service to the public. Every year since 1990, the Judicial Council has selected some of these programs for a Ralph N. Kleps Improvement in the Administration of the Courts Award, named for the first Administrative Director of the California Courts. The 1997 award winners, selected from 45 nominations, are as follows:

- North Butte County Municipal Court established a program to assist severely alcohol dependent defendants convicted of alcohol-related offenses.
- Court of Appeal, Fourth District, Division Two (San Bernardino) created a program that uses volunteer attorney-mediators to settle appeals in their areas of expertise.
- Shasta County Superior and Municipal Courts developed an automated system connecting all law

Sacramento Bee

January 20, 1997

The Chief Justice's good idea

A major court reform bill designed to shift funding of courts from counties to the state stalled on the last day of the past legislative session, leaving the courts financially adrift. According to the Judicial Council, the administrative arm of the state courts, in some rural counties the courts are running out of money and face imminent closure if something is not done soon.

The dispute that killed the bill last session was over whether collective bargaining rights on "noneconomic" issues would be extended to all court employees under the new state funding scheme, a condition Senate President Pro Tem Bill Lockyer insisted on and Gov. Pete Wilson adamantly opposed.

Lockyer has introduced standby emergency legislation that would fund the courts in the short run, but as state Supreme Court Justice Ronald George has said and Lockyer concedes, that's not good enough. It merely takes the pressure off and reduces the incentive to solve the court funding problem for the long term.

A better solution would be the "rule of court" proposal that George has advanced. It creates a middle ground that addresses the concerns of court employees on one side and administrators and taxpayers—whose interest is in swift, fair and cost-efficient justice—on the other. Under it, court administrators would have control over critical "noneconomic" issues, including the controversial merger of municipal and superior courts, courthouse hours of operation, calendar consolidation, automation and assignment and transfer of court employees.

To the extent changes initiated in those areas increase workload or responsibilities for court employees, labor representatives would have the right to bargain for added compensation, but they could not veto a court administrator's plans to merge courts, for example, or to automate information systems.

The details remain to be worked out, but George's plan, as outlined, deserves serious consideration. For the sake of financially struggling counties, court employees, the justice system and the public, the Legislature should resolve this dispute now.

Judicial Council Honors Distinguished Service

Each year the Judicial Council honors individuals whose contributions to court administration are so exceptional that they merit special recognition. The awards are presented in three categories: Jurist of the Year Award, Judicial Administration Award, and Bernard E. Witkin Amicus Curiae Award.

The following three people earned the council's 1997 Distinguished Service Awards:

- Los Angeles County Superior Court Judge Robert M. Mallano was named Jurist of the Year;
 - Ronald Overholt, Executive Officer and Clerk of the Administratively Consolidated Courts of Alameda County, won the Judicial Administration Award; and
 - Assembly Member Phil Isenberg, former Chair of the Assembly Judiciary Committee, won the Bernard E. Witkin Amicus Curiae Award.
-

and justice agencies with all divisions in the courts so that they can access case records throughout the system.

- Los Angeles Municipal Court set up a program to educate students in the Los Angeles City elementary schools about the law and the court system.
- Orange County Superior Court's CARE (Court Assistants Reaching Out With Empathy) Program invites retired volunteers to assist the court's Mediation and Investigative Services' staff in ensuring that individuals placed under court conservatorship are cared for and that conservators are acting in the conservatees' best interest.
- The Administratively Consolidated Courts of Riverside County created an online system whereby clients can dial into the court's automated case management system to easily obtain specific information on civil, small claims, unlawful detainer,

felony, misdemeanor, family law, probate, and traffic cases.

- San Diego Municipal Court's Simulated Courtroom Clerk Training established off-site training for clerks assigned to work in the courts.
- The San Diego County trial courts improved the administration of the courts by consolidating municipal and superior court operations in the county's South Bay Judicial District.

Chief Justice Special Recognition Awards

The new Chief Justice Special Recognition Awards recognize trial court programs that advance Judicial Council goals. The first of the annual awards were given to two courts. In 1996, the award was given to the Ventura County trial courts for creation of a successful pro per clinic and a "Quick Court" Kiosk—programs that increase court access to family law litigants. Stanislaus County trial courts and city and county agencies also were given this award for the Juror Transportation Program, which provides free transit passes to jurors.

Notable 1997 Court Improvement Bills

The Judicial Council sponsors or supports legislation that advances the court reform goals outlined in its long-range strategic plan. In November 1996, the Judicial Council discussed the council-sponsored legislative program for 1997. Among the proposals were the recommendations of the

William C. Vickrey Honored

William C. Vickrey, Administrative Director of the California Courts, was elected vice-president of the Conference of State Court Administrators (COSCA). This organization of the highest-ranking judicial administrators in each state is a source of policy, standards, and guidance to courts throughout the nation. The term is for one year.

Blue Ribbon Commission on Jury System Improvement. Notable legislative proposals the council is pursuing in the 1997–98 Legislative Session include:

Trial court funding

Would consolidate the funding of California's trial courts at the state level.

Court interpreters

Would impose a penalty for misrepresenting oneself as a certified court interpreter.

Juvenile dependency proposals

Would place all children in dependency proceedings on the same procedural track, regardless of the date a minor was adjudged a dependent.

Duties of child's counsel in family law proceedings

Would clarify the duties of counsel appointed to represent children in family law proceedings.

Jury system improvement

The council is the sponsor of Senate Bill 14 (Calderon), which contains a number of the reforms recommended by the council's Blue Ribbon Commission. SB 14 would:

- Provide that jurors be identified by number rather than by name;

- Clearly state that jury service is a mandatory duty of all qualified citizens;
- Create procedures for enforcing juror summonses by placing a hold on the driver's license renewals of those who do not respond;
- Ensure that juror-identifying information is properly safeguarded in post-verdict proceedings;
- Provide that jurors be excused from service for a minimum of 12 months after the completion of jury service;
- Give discretion to the trial judge to permit alternate jurors to observe but not participate in jury deliberations in a civil case;
- Provide for eight-person juries in civil actions in the municipal courts;
- Provide for juror fees of \$40 per day for each day of service after the first day, \$50 per day after the 30th day, and travel reimbursement of \$0.28 per mile;
- Establish a child-care cost-reimbursement program for those jurors who can certify financial hardship in arranging child care during jury service; and
- Adopt reasonable tax credits for those employers who continue to pay employees who are absent from work for jury service.

Chief Justice assignment authority

Would address the authority of the Chief Justice to assign municipal court judges to a superior court appellate department.

In 1996, some 25 Judicial Council committees and task forces deliberated on many critical issues confronting the state court system. They held public hearings, conducted surveys, met with numerous court officials and legal experts, developed in-depth studies, and proposed innovative responses and solutions to the problems they identified and examined. Some, such as the cameras in court task force and the jury improvement project, attracted intense public interest and discussion, essentially completed their work in 1996.

Innovative Responses, Workable Solutions



Through the Judicial Council's Court Improvement Project, California's juvenile court system is undergoing a first-ever comprehensive assessment. The council's Family and Juvenile Law Advisory Committee oversees the project. Above, committee members (left to right) former Santa Clara County Chief Probation Officer Dennis Handis, Marin County Public Defender Joseph L. Spaeth, Santa Clara County Juvenile Court Presiding Judge Leonard P. Edwards (committee co-chair), and former Alameda County Superior Court Judge Wilmot Sweeney listen to testimony at one of six public hearings.

Judicial Council Committees

INTERNAL COMMITTEES

Executive & Planning
Policy Coordination & Liaison
Rules & Projects

ADVISORY COMMITTEES

Access and Fairness
Administrative Presiding Justices
Appellate
Center for Judicial Education and Research
Governing Committee (CJER)
Civil and Small Claims
Court Administrators
Court Interpreters
Court Profiles
Court Technology
Criminal Law
Family and Juvenile Law
Traffic
Trial Court Budget Commission
Trial Court Coordination
Trial Court Presiding Judges

TASK FORCES

Appellate Indigent Defense Oversight
Advisory Committee
Bench-Bar Pro Bono Project
Business Court Study Task Force
Court-Community Outreach Task Force
Court Records Management Advisory
Committee
Executive Legislative Action Network
(ELAN)
Jury Instructions Task Force
Jury Recommendation Implementation
Task Force
Oversight Committee for the California
Drug Court Project
Probate and Mental Health Task Force

A number of new committees, such as the Court Records Management Advisory Committee and the Probate and Mental Health Task Force, have only just begun and will perform their duties in the current year. Following are summaries of the progress made by several of these committees and task forces in 1996 and the challenges they must meet in 1997.

State Funds Allocated To the Trial Courts

The Trial Court Budget Commission (TCBC) annually develops trial court budget requests and presents them to the Judicial Council for approval. For the first time, the budget criteria included minimum service levels and standards

recommended by the TCBC and adopted by the council. The commission also prepared and recommended to the council the allocation and distribution schedule for the 1996–97 state funding of the trial courts. The adopted allocation formula determines how state funding is divided among these

courts on a countywide basis. To assist courts that are mainly funded by the state rather than the county, the distribution schedule released all state funding from the General Fund by the second quarter of the fiscal year (October),

leaving only state funding from the Trial Court Trust Fund for distribution in the remainder of the year. This permitted all trial courts to operate at or near prior-year levels through December 1996.

In addition, the commission prepared a report regarding development and application of performance criteria in the trial courts. The report concluded that although justice cannot be measured by a yardstick, both qualitative and quantitative measures of performance may be appropriate tools for cross-comparing the efficiency of court operations. These criteria helped substantiate trial court requests for a supplemental state allocation of \$26.3 million in fiscal year 1995–96, matched by over \$25 million in supplemental county funding. As a result, courts in numerous counties



Hon. Steven E. Jahr
Chair, Trial Court Budget Commission

Court funding for fiscal
year 1996–97 remains
critical and cannot be
resolved without action
by the Legislature.

Daily Journal

March 20, 1997

Trial Court Funding Bill Advances in Assembly



Hon. Thomas F. Nuss
Chair, Court Profiles Advisory
Committee

avoided court closures, layoffs, or other significant reductions in court services provided to the public. The application of these criteria also helped avoid litigation that some courts threatened against counties (Gov. Code, § 8073) for failing to fund court operations.

In January 1997, the council approved reallocation of \$2 million as an advance to courts that faced funding depletions by February. Courts in two counties, Lassen and Orange, initiated actions against their counties. At least one other court indicated plans to pursue a similar action. Court funding for fiscal year 1996–97 remains critical and cannot be resolved without action by the Legislature.

Working for New Judgeships and a New Evaluation Methodology

The Court Profiles Advisory Committee helped the Judicial Council inform legislators and their staff about the new judgeship needs methodology and gain support for the two omnibus judgeship bills: Assembly Bill 1818 and Senate Bill 874. In 1996, AB 1818, authorizing the creation of 21 new judgeships based upon the advisory committee's ranking, was passed. In April 1996 the committee began the judicial needs request process for the 1997 legislative session

and in December began the assessment of requests. Following its final evaluations, the committee forwarded recommendations, with the need-based priority ranking, to the Judicial Council for approval in January 1997. This year, the committee will be focused on implementing the criminal model component of the computer simulation model followed by at least two, possibly three, additional model components. It also is working toward completion of the components of the simulation model for the eight case types: criminal, civil, family law, juvenile, small claims, traffic, mental health, and probate. The completed models will be useful in demonstrating the need for additional judicial positions.



Hon. John Arguelles (Ret.)
Co-Chair, Advisory Committee on Racial
and Ethnic Bias in the Courts

California Bar Journal

November 1996

Judicial Council Publishes Gender Fairness Booklet

Milestones Reached in Trial Court Coordination

The Trial Court Coordination Advisory Committee spent most of the year reviewing trial court coordination plans for fiscal years 1995–96 through 1996–97. By November, the Judicial Council had approved all 58 countywide coordina-

The Trial Court
Coordination Advisory
Committee continues to
support a strong link
between trial court
coordination and trial
court funding, new
judgeships, and the
assignment of judges.

tion plans and the committee's comprehensive plan to review implementation of all countywide coordination plans. The committee submitted the *Annual Report to the Legislature on Coordination Activities*, and AOC staff received a State Justice Institute grant that will facilitate a comprehensive review of the counties' coordination progress. The review process will take place during the first eight months of 1997, beginning with four workshops. The courts' coordination plans for fiscal years

1997–98 through 1998–99 are due to the Judicial Council by July 1, 1997. At that time the committee will start the review and approval process, which is scheduled to be completed by October.

During 1997, the committee will address issues related to Senate Constitutional Amendment 4, which concerns the voluntary unification of the trial courts, and the conversion of municipal court judgeships to superior court judgeships.

The concept of incentives and sanctions for trial court coordination will remain a key focus. The committee continues to support a strong link between trial court coordination and trial court funding, new judgeships, and the assignment of judges. Addressing the lingering hesitation of some courts to embrace trial court coordination remains a continuing challenge.

Expanding Access and Fairness: Studies, Focus Groups, New Court Rule

The Access and Fairness Advisory Committee completed three reports in 1996 that contained findings and recommendations for broadening access and fairness in the state's court system. The reports, submitted to the Judicial Council in January 1997, are (1) the final report of the Advisory Committee on Racial and Ethnic Bias, which summarizes nearly five years of research; (2) a summary of the public hearings conducted by the Subcommittee on Access for Persons with Disabilities; and (3) a summary of that



Hon. Allen E. Broussard
Former Co-Chair, Advisory Committee
on Racial and Ethnic Bias in the Courts
(1929–1996)



Hon. Richard Huffman
Chair, Task Force on Photographing,
Recording, and Broadcasting in the
Courtroom

committee's written and telephonic opinion surveys. An implementation plan for the recommendations contained in the final report of the Advisory Committee on Racial and Ethnic Bias will be submitted to the council.

In addition, California Rules of Court, rule 989.3 (Requesting Accommodations), which assists the courts in complying with state law and the Americans with Disabilities Act (ADA), was developed and became effective on January 1, 1996. A proposed amendment to Standards of Judicial Administration, section

7 also was prepared for comment in response to concerns expressed by family law judges and court personnel. The amended standard would provide guidelines for security measures to be employed in and around family law courts.

Meetings and discussions were held during the year with various groups to explore Native American legal issues, court security

for family law courts, and child care in the courts and to help identify court-related issues of concern to gay and lesbian communities. These outreach efforts will continue in 1997. A report on the survey of the gay and lesbian communities will be completed in 1997, and the Pro Bono Project will advise the State Bar and the council on representation for the state's poor and low-income population.



Hon. Lance Ito
Chair, Court Interpreters Advisory
Committee

Improving Public Service Through Court Technology

The Court Technology Advisory Committee coordinates the application of technology to the work of the court. It also is charged with establishing standards to ensure technological compatibility; facilitating court technology projects funded by the state; proposing rules, standards, or legislation to ensure privacy, access, and security; and assisting courts in acquiring and developing useful technology systems.

In 1996, the committee began development of a new methodology for evaluating trial court requests for state funding of information technology (IT) projects in fiscal year 1997–98. It also drafted a rule on access to courts' electronic records, which it circulated for comment in early 1997. The rule encompasses standards for public access and access fees. In addition, the committee helped all trial

In 1996, the Court Technology Advisory Committee began development of a new methodology for evaluating trial court requests for state funding of information technology projects.



Hon. Mary Ann Grilli
Co-Chair, Family and Juvenile Law
Advisory Committee

courts comply with California Rules of Court, rule 991(d) by structuring and developing a strategic planning process that yielded 58 plans for countywide coordination of courts' information technology initiatives. The committee also is developing a strategic

plan for a judicial branch network that will provide a structure for a secure electronic exchange of e-mail and documents, initially within the branch but eventually with other government agencies and the public. The committee, pending allocation of funds, also will assist trial courts in applying cost/benefit methodology to funding requests, implementing strategic plans they developed in 1996, and managing IT projects.

Other key projects for 1997 include coordinating telecommunications strategies between the judicial and executive branches and developing a phased implementation of a judicial branch telecommunications network, adopting data-element standards for statistical reporting, and coordinating pilot projects in trial and appellate courts to develop standards for electronic filing.

Metropolitan News Service

January 23, 1997

Judicial Council Task Force Seeks Input on Forms, Procedures

Meeting the Needs of Families and Children

The Family and Juvenile Law Advisory Committee directed many vital programs in 1996. They include the following:

Court Improvement Project

The project will complete a statewide assessment of court practices and procedures in California's child welfare and juvenile justice system with a special focus on abused and neglected children placed out of home. The assessment phase was completed in 1996, and work on implementation began in 1997. The project will result in recommendations for improvement.

Beyond the Bench VIII

More than 450 judicial officers and child welfare professionals obtained new expertise and information in the area of improved child welfare systems at this conference.

Court-Appointed Special Advocate (CASA) Grant Programs

The Judicial Council approved grants totaling \$300,000 to 4 new and 22 existing CASA programs in California, which recruit and train volunteers to assist abused and neglected children who are the subjects of judicial proceedings.



Mr. Stephen V. Love
Chair, Court Administrators Advisory
Committee

Child Advocacy Training (CAT) Project

This program, which assists courts in the development of training curricula and training programs for court-appointed attorneys who represent children in dependency, family law, adoption, and related proceedings, has trained over 1,600 attorneys in all 58 counties.

Judicial Review and Technical Assistance (JRTA) Project

Staff is working to maximize federal funding for foster care by providing courts with technical assistance to ensure compliance with designated federal mandates regarding judicial oversight of juvenile cases. Visits to every juvenile court in California and evaluations of juvenile court procedures have been completed.

Los Angeles Daily Journal
February 11, 1997

Two Bills Take Aim at Jurors' 'Care, Comfort'

Family Law Court 2000

The committee, in accordance with the Family Law Court 2000 project, completed its draft proposal to provide greater accessibility to litigants in family law matters, reduce the level of conflict, and lower the cost of litigation. The proposal is significant because of the large number of unrepresented persons in family law matters as well as the high level of conflict in many cases. The committee revised the proposal and prepared draft rules to implement changes after related hearings were held and input was received from other groups.

Child Support Vision Proposal

The committee worked on legislation to implement the Child Support Vision Proposal, which resulted in the passage of Assembly Bill 1058. The project will result in greatly improved and accessible procedures in child support enforcement and provide funding for 50 child support commissioners as well as family law facilitators in each county.

In 1997, key events include the second annual reunion of Family Violence and the Courts: A California State Conference, Beyond the Bench IX conference, and the estab-



Hon. Patricia Bamattre-Manoukian
Chair, Center for Judicial and Educational
Research Governing Committee

Los Angeles Times

November 19, 1996

Jurors, and courts, need raises

Sacramento shouldn't ignore the Judicial Council and fiscal reality. The state Judicial Council, the policymaking arm of the courts, voted last week to push ahead with a proposal to raise the meager pay of jurors, reimburse them for parking and child care and provide tax credits to employers who pay jurors while they are on jury duty. On Monday the council sponsored a joint hearing of the Senate and Assembly judiciary committees on these proposed changes. They are hardly controversial measures. But the state's ability to implement them depends on the willingness of the Legislature and the governor to bite the bullet on a trial court funding package they jettisoned last session.

The funding problem has been building for years. Counties, which have historically funded the trial courts, are now hard-pressed to meet other mushrooming financial obligations, such as for welfare and jails. That's why the Legislature some years ago promised to provide 70% of the courts' funds. Thus far, the state has not delivered, and this failure sent delegations from the Los Angeles Superior Court, among others, scurrying to Sacramento last year for emergency appropriations in order to keep operating.

A comprehensive funding bill died last September. Without a funding agreement by January, according to a recent Judicial Council analysis, some courts will run out of funds, possibly forcing judges to shut their doors.

The state's 167 trial courts desperately need the predictability that only state funding would provide. And the public deserves the modest improvements in juror service that everyone agrees are needed. But they can't happen without state funding. The Legislature reconvenes briefly on Dec. 2. Senate President Pro Tem Bill Lockyer vows to resurrect last year's funding package, this time as urgency legislation. That special and immediate consideration is now warranted.



Hon. Owen Lee Kwong
Chair, Civil and Small Claims Advisory
Committee

lishment of a task force to recommend improvements to the juvenile delinquency system in California.

In addition, the committee will select the pilot project courts for the Family Law Court 2000 proposal

and recommend adoption of the final pilot project rules to the council in May. The Office of Assistance, which is included in the proposal, is currently unfunded. Attempts will be made to build this part of the program through a combination of funding sources.

Regarding child-support procedures, the committee is scheduled to recommend to the Judicial Council the allocation of commissioners among the counties, rules and forms implementing the legislation, allocation and standards for family law facilitators, and education and training programs for both commissioners and court staff. Funding for family law facilitators remains a challenge.

The Appellate Workload
Study has embarked on a
far-reaching inquiry to
identify changes that will
help the appellate courts
better respond to the
growing pressures of
caseloads and resource
limitations.

Los Angeles Daily Journal

February 19, 1997

Judicial Council Plan Would Put Most Court Documents On-Line

Criminal Law Bills, Three- Strikes Law Studied

The Criminal Law Advisory Committee reviewed over 50 pieces of proposed legislation in the areas of criminal law and procedure and made recommendations to the Judicial Council. It also oversaw an extensive study of the impact of the three-strikes law on the trial courts. The results of the first part of the study were published by the AOC in September. The committee currently is overseeing preparation of a report on the final phase of the study.

Several matters required by recent legislation also will occupy the committee in 1997. These include (1) new or amended forms to assist victims in enforcing restitution orders, and (2) procedures to implement the Criminal Convictions Records Act. This act authorizes the Department of Justice to establish a computer database on criminal convictions that can generate documents in court to be used to prove prior convictions.

In reviewing legislation and proposals for new rules and procedures in criminal cases, the committee must face

the challenges of accommodating the public interest and facilitating a swift and fair criminal justice system, while coping with increasingly underfunded and overcrowded criminal courts.

Helping Appellate Courts Cope with Rising Caseloads, Limited Resources

Progress was made in improving appellate court administration. In 1996, the Administrative Presiding Justices Advisory Committee completed phase II of the Appellate Workload Study, setting standards for staffing the clerks' offices and for judicial secretarial support. This work will provide an opportunity to identify changes needed to help courts better respond to the growing pressures of caseloads and resource limitations.

In addition, the Appellate Advisory Committee modernized the rules regarding the format of appellate briefs.

The old rules referenced typewritten and printed briefs, and nearly all briefs today are produced by computer. The revised rules were adopted by the Judicial Council and took effect in July 1996. The committee also recommended numerous other changes to the appellate rules in response to suggestions from judges, members of the bar, the public, and the committee members themselves.

The committee also is establishing standards for assistance provided to private attorneys by the courts' appellate projects in appeals with appointed counsel. In 1996, it established standards for independent cases at 2.7 hours assistance per case; the committee also conducted four quarterly audits of final claims paid on the recommendations of the appellate projects; in addition, it completed a study and subsequent changes regarding claims processing that have streamlined the payment process and enabled the AOC to process 20 percent more claims with no additional resources.

Advisory Committee Highlights

Administrative Presiding Justices Advisory Committee

Completed phase II of the Appellate Workload Study, setting standards for staffing clerks' offices and for judicial secretarial support; will continue to address the issues regarding appellate indigent defense and appellate court operations, and to explore innovative approaches to the work of the appellate courts. The Task Force on Appellate Judicial Retention Elections, which reports to the Administrative Presiding Justices Advisory Committee, is preparing a report, due in November 1997, on the types of information about justices that would be helpful to voters in appellate judicial retention elections, and on methods of conveying that information.

Appellate Advisory Committee

Modernized the rules regarding the format of appellate briefs (old rules referenced typewritten and printed briefs, yet nearly all briefs today are produced by computer), which were adopted by the Judicial Council, effective July 1996; also recommended numerous other changes to the appellate rules in response to suggestions from judges, members of the bar, the public, and committee members; is establishing standards for assistance provided to private attorneys by the courts' appellate projects in appeals with appointed counsel; established standards for independent cases at 2.7 hours of assistance per case; streamlined the payment process for the appellate projects, enabling the AOC to process 20 percent more claims with no additional resources; in 1997, will draft rules to implement changes in the procedures for appeals from decisions of the Public Utilities Commission and will continue to modernize and simplify the rules of appellate procedure.

Civil and Small Claims Advisory Committee

Completed a legislative report on the Civil Action Mediation Act, which created a pilot project for mandatory mediation in Los Angeles County courts and other courts that elected to opt into the program. (San Diego Superior Court was the other large court to participate.) Drafted or reviewed proposed rules of court and forms affecting small claims, in forma pauperis procedures, unlawful detainer, entry and vacation of judgments, writs of execution, statement of damages, and vexatious litigants, among other subjects. Also advised the AOC's Office of Governmental Affairs and the Judicial Council Policy Coordination and Liaison Committee on legislation affecting court administration sponsored by the Judicial Council or by other individuals and organizations. In 1997, the committee will address suggestions from Judicial Council members concerning ways to reduce civil litigation costs through case management, alternative dispute resolution, discovery, and uniform local rules.

Advisory Committee Highlights continued

Court Administrators Advisory Committee

Presiding Judges Advisory Committee

Provided ongoing input to the Judicial Council, its committees, and the Legislature on the most critical issues facing the trial courts today: funding, trial court unification, labor relations, jury system improvement, verbatim reporting and litigation involving the use of nonstenographic reporting methods, guidelines for assigning retired and assigned judges, and revisions to the judicial branch statistical reporting system.

Court Interpreters Advisory Panel

Recommended a new testing entity, approved by the council, to administer examinations for court interpreter certification and English fluency exams for registered interpreters in 1997; held two successful conferences on interpreter issues for more than 130 executive officers, administrators, and interpreter coordinators. In 1997, will conduct more studies to determine if additional languages require the development of new certification examinations. (To date the council has temporarily designated the following languages for certification: Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese.)

Traffic Advisory Committee

Proposed the new rule 851 to reduce the variation in the criteria for attending traffic violator school and drafted the statewide notice to appear form for automated enforcement systems such as photo red-light and photo railroad crossing. Revisions of all other notices to appear will be continued in 1997 to create uniformity throughout the state and to inform persons accused of violating traffic laws of the charges against them, their rights, procedures to be followed, and the consequences of ignoring the notice to appear. Other 1997 activities include: development of statewide forms and procedures for trial by declaration; a statewide two-day traffic adjudication workshop to provide training and information to commissioners and traffic hearing officers; and establishment, within the confines of criminal procedure, of simplified procedures for traffic trials and appeals to make them easier for pro per defendants to follow.

Task Force Highlights

Blue Ribbon Commission on Jury System Improvement

The Blue Ribbon Commission on Jury System Improvement was appointed to conduct a comprehensive study of the California jury system and make recommendations for improvement to the Judicial Council. In May, the commission issued a report to the council consisting of 60 recommendations. Included were proposed legislation, rules of court, and standards of judicial administration, as well as recommendations directed at improved management practices and the appointment of a successor body to monitor implementation efforts. The Judicial Council directed that the commission's report circulate for statewide comment on the legislative proposals and acted on those proposals at its July 1996 meeting. Subsequently, the council voted at its November 1996 meeting to sponsor or cosponsor 10 of the legislative proposals.

The council approved an implementation plan and timeline, including creation of the Jury Instructions Task Force and a Jury Recommendation Implementation Task Force (successor body). At the end of 1996, AOC staff entered into discussions with the Governor's Office to determine which proposals the Governor might support.

The Chief Justice will be requested to appoint the Jury Recommendation Implementation Task Force in 1997. Its key responsibilities will be to evaluate the feasibility of establishing a database on jury system activities; to evaluate the cost, feasibility, and efficacy of a statewide master jury list; and to evaluate and consider a pilot project in one or more counties to supplement DMV and registered voters' lists with other comprehensive source lists. In addition, the task force will oversee implementation of the commission's recommendations and serve as an advisory body for approximately the next two years.

Business Court Study Task Force

The Business Court Study Task Force is charged with studying the need and feasibility of establishing a business court in California to hear commercial and complex litigation cases. It has begun assessing other states' objectives and experiences in establishing a business court or department and analyzing the likely effect of its creation on California's judicial system. The task force will next make recommendations regarding the need for a business court or department in California, assessing California's business-related cases and studying options for dealing with commercial and complex litigation cases.

Task Force on Photographing, Recording, and Broadcasting in the Courtroom

Appointed in October 1995, this 13-member task force was charged with evaluating California Rules of Court, rule 980, the rule governing cameras in courtrooms. The task force conducted a statewide survey of judges, public defenders,

Task Force Highlights *continued*

and prosecutors; solicited the views of many bar groups; and received and reviewed scores of letters, telephone calls, reports, newspaper and journal articles, previously conducted studies, and other information from participants on both sides of the cameras-in-the-courtroom controversy. In addition, members attended a forum at McGeorge School of Law in Sacramento and held a public hearing in San Francisco to garner the views of judges, journalists, victims' rights organizations, representatives of various segments of the bar, and members of the public.

After extensive research, discussion, and analysis, the task force drafted a proposal to amend rule 980, which was circulated to all California judges, court executive officers, California district attorneys and public defenders, and other interested parties, including all interested media outlets. The task force received a total of 75 comments on the proposed amendments and considered all suggestions and the broad policy questions raised.

In May 1996, the Judicial Council voted to amend rule 980 effective January 1, 1997, and requested the task force to develop associated forms to implement the rule. In November, the Judicial Council reviewed and adopted both forms with an effective date of January 1, 1997, to coincide with the effective date for rule 980.

In 1997, the task force distributed a manual designed to help judges implement rule 980 entitled "Photographing, Recording, and Broadcasting in the Courtroom." Also in 1997, the AOC will begin a statewide cameras-in-the-courtroom data collection project that will comprehensively track media requests to cover courtroom proceedings.

Oversight Committee for the California Drug Court Project

This task force was created in July 1996 to oversee the California Drug Court Project, which was designed to encourage the development of drug courts in the state through the provision of seed funding and professional support. The project seeks funding to encourage development of new drug courts and helps existing drug courts expand services. Initial funding of \$500,000 was made available in 1996 for new or expanding drug courts. After distributing grant application kits to all presiding judges and court administrators, the task force recommended council approval of 26 applications. In addition, the committee drafted, and the council approved, the *California Drug Court Project Quarterly Financial Report* and the *Quarterly Statistical Report* forms for use by courts receiving funding. In November, a \$515,000 grant proposal was submitted to the National Institute for Justice for development of a comprehensive data-tracking system to improve statewide drug court case management. Grant inquiries regarding support for drug courts also were sent to corporations and foundations. Finding additional funding sources for the support of innovative programs in the drug courts is the task force's chief challenge.

DURING 1996, THE Administrative Office of the Courts (AOC) dedicated itself to carrying out Judicial Council policies in many critical areas of court administration.

The focus of staff efforts was to help courts cope with immediate pressures of inadequate resources and complex caseloads as well as to develop appropriate long-term solutions to these problems. Staff worked with dedication on state funding issues, including the acquisition of the first new appellate and trial court judgeships in a decade.

*AOC Strives to Fulfill
Judicial Council Goals*



Californians with disabilities shared their experiences in the court system at a public hearing in Sacramento, one of six such hearings held throughout the state by the Judicial Council's Subcommittee on Access for Persons with Disabilities. Listening to the testimony are committee members (left to right) Deputy Attorney General Gordon R. "Sam" Overton; Madera County Superior Court Executive Officer Janet M. Gallagher;

South Bay Municipal Court Judge Benjamin Aranda III (Chair of the Access and Fairness Advisory Committee); Sacramento Municipal Court Judge Rudolph R. Loncke; and attorney Gail Kaplan (chair of the subcommittee). AOC staff assisted the subcommittee in releasing a landmark report with recommendations on ways to make the courts more accessible to people with disabilities.



William C. Vickrey
Administrative Director of the Courts



Dennis B. Jones
Chief Deputy Director

Administrative Office of the Courts

EXECUTIVE OFFICE

William C. Vickrey
Dennis B. Jones

COUNCIL AND LEGAL SERVICES DIVISION

Michael Bergeisen

EDUCATION DIVISION

Catherine S. Lowe

TRIAL COURT SERVICES DIVISION

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FINANCE BUREAU

Martin J. Moshier

HUMAN RESOURCES BUREAU

Judith A. Myers

INFORMATION SYSTEMS BUREAU

Patricia M. Yerian

OFFICE OF GOVERNMENTAL AFFAIRS

Ray LeBov

Preparing trial courts' coordination plans and ensuring that every California county worked with a council-approved plan was another top priority. Significant milestones also were reached in jury system and juvenile court improvement, and in reviewing California Rules of Court, rule 980, which specifies the conditions under which film and electronic recording is permitted in state courtrooms. In addition, the AOC advocated the Judicial Council's positions on over 120 bills and assisted in reviewing pending legislation that would have revised habeas corpus procedures. The following pages summarize these and other AOC efforts to implement the Judicial Council's long-range strategic plan through the adoption of policies, court rules and standards of judicial administration, and court improvement legislation.

COUNCIL AND LEGAL SERVICES DIVISION

The Council and Legal Services Division works to improve the administration of justice in California under the direction of the Judicial Council by providing high-quality policy planning, research, legal advice and counsel, and communication and council secretariat services.

The division is made up of two sections: the Legal Services section, which provides a wide range of legal services, and the Judicial Council Services section, which includes Research and Planning, the Public Information Office, and Secretariat and Conference Services.

Legal Services

This group prepares contracts and advises the council and the AOC on a variety of legal issues, including employment, judicial administration, and general legal matters. The section also oversees litigation involving the council, the appellate courts, and the trial courts (when the state is sued); serves as legal staff for council programs and committees; performs legal research on judicial administration and other issues raised by a variety of clients; and is responsible for the council's legal forms program, drafting California Rules of Court, and monitoring sentencing practices.

Legal counsel

In 1996, staff provided counsel support to numerous advisory committees and task forces; reviewed and analyzed pending legislation and proposed amendments; presented advisory committee recommendations to the Policy Coordi-

San Francisco Daily Journal
January 1, 1997

**More Than a Court
Manager: AOC Director
Stays in the Fray of
Shaping Policy and
Funding Reform**



Michael Bergeisen
General Counsel

nation and Liaison Committee; drafted rules, forms, and reports; and presented the council's position to members of the Legislature.

Staff also drafted legal policy memoranda and opinions, provided legal as-

sistance on court reporters litigation and the court reporters workers' compensation case, assisted Human Resources in implementing reasonable accommodation procedures and forms, successfully resolved requests for assistance from trial court judges, and reviewed contracts and leases for the AOC and the appellate courts.

Rules and forms

Revisions of rules, standards, and forms were drafted and circulated for comment, and summaries were prepared for committee consideration and subsequent council action. For trial and appellate courts, the section developed educational materials, such as the gender fairness brochure, and technical and educational assistance was provided for events such as "Family Violence and the Courts: A California State Conference."

Special projects

The section's other projects included staff support to the Supreme Court Advisory Committee on Judicial Ethics, which presented the first mandatory code of judicial ethics

to the Supreme Court, and staff support to the Trial Court Services staff on jury reform issues. It also assisted with the creation of two new task forces, worked to attain appellate review of the court reporters' workers' compensation case, implemented the required reasonable accommodation procedures and forms, and reformed internal procedures to expedite judicial emergency orders.

Judicial Council Services

Research and Planning

Staff supported two major Judicial Council planning workshops in 1996 and coordinated the Judicial Council's 1997 planning workshop. This unit also published *The Impact of the Three-Strikes Law on Superior and Municipal Courts*, a survey of the trial courts; provided staff support to the Task Force on Photographing, Recording, and Broadcasting in the Courtroom, and on the amendment of rule 980 and its associated forms; and oversaw the Death Penalty Law Clerk Project, which, in its 10 months of funding by the State Justice Institute, provided advice to attorneys and research assistance to superior court judges in rural courts with capital cases. Staff also is in the process of building a judicial administration law library. In addition, the collection and dissemination of information on public and private sources of grant funding and grant writing became major activities.

This unit's major challenges in 1997 will be to expand its ability to provide surveys, ad hoc databases, and analyt-

Daily Recorder

July 16, 1996

Council Proposes 'Unbundling' Family Law Services

ical research support to other work groups within the AOC. In addition, the unit will provide staff support to a new special task force on courts and community collaboration and a statewide planning conference, which will bring together county teams to assist courts with local action planning. Staff also will publish the statistical analysis of the impact of the three-strikes law on six counties and a death penalty bench guide.

Public Information Office

This office continued to educate the public and the news media about the Judicial Council's important work by providing ongoing research and information services to statewide media and frequent updates on council actions, as well as maintaining regular contact with major editorial boards. Key publications continue to keep courts informed on council actions and significant trends affecting courts statewide. These include *Court News*, the council's bimonthly newsletter; *State Court Outlook*, an annual report on court trends; the *Judicial Council 1996 Year in Review*; and the *Judicial Council Annual Report on Court Statistics*, which provides detailed information on

court workload. These publications are being streamlined to promote greater readability and effectiveness. In addition, the unit helps educate the public and the bar through a series of special publications and events.

Secretariat and Conference Services

Staff developed a master calendar to facilitate tracking of numerous Judicial Council, AOC, and committee meetings and deadlines, as well as programs of the Education Division, the State Bar, and the California Judges Association. Staff also provided logistical support to eight council meetings. In 1997, staff will support at least seven council meetings and meetings of all committees and task forces. Training for Conference Services and Education Division staff on the Americans with Disabilities Act also will be conducted. In addition, the nominations process for the Judicial Council and its committees will be broadly publicized to promote a diverse and representative council team.

Looking ahead

In addition to providing quality, timely, and ethical legal advice and services to the Chief Justice, the Administrative Director of the Courts, the Judicial Council, the appellate courts, and the AOC, staff will continue to identify appropriate opportunities to provide legal services to trial courts on judicial administration issues. Many key events also are scheduled for 1997. They include the following:

- An issues meeting focusing on public education and outreach will be held in May to improve court

services to the public and the public's perceptions of the court system.

- The AOC conflict-of-interest code will be revised and updated.
- New guidelines for drafting California Rules of Court will be developed.
- A needs assessment report, recommendations, and implementation plan on improving court proceedings involving abused and neglected children will be submitted to the council in May.
- All probate forms will be reviewed and revised as appropriate, a proposal will be made on whether to create statewide uniform probate rules, and the *Handbook for Conservators* will be updated.

In addition, the Judicial Council Services Section will continue to provide exceptional planning and research, communication, and secretariat services to the Judicial Council and the AOC.

Daily Journal

March 20, 1997

Panel Approves Bill in Trial Court Funding

TRIAL COURT SERVICES DIVISION

The Trial Court Services Division provides support services to the trial courts in areas such as assigned judges, coordination, trial court funding, interpreter certification, family court services, legislative analysis, traffic, change of venue, and judgeship needs. The division also recently established a regional trial court assistance program to provide a single point of contact for every trial court in the state to obtain information regarding a variety of court issues.

Court Program Services

Supporting committees

Staff supported the Trial Court Budget Commission, which presented its recommended funding allocation for each of the trial courts for fiscal year 1997–98 to the Legislature; the Court Profiles Advisory Committee, which sought 61 new judgeships and effected the increase of 21 new judicial positions, effective January 1997; and the Trial Court Coordination Advisory Committee, which reviewed all new coordination plans submitted. Working with the trial courts, staff also achieved council approval of a coordination plan for each county. In addition, staff provided support to the Court Interpreters Advisory Panel, which recommended a new testing entity for the state to ensure that testing and certification processes are in place.

Staff will continue to support these committees in carrying out key activities, such as preparing the budget devel-

opment package for fiscal year 1998–99 and the allocation and distribution schedule for fiscal year 1997–98, and in reviewing trial court coordination plans for compliance with California Rules of Court, rule 991.

Court Operations Services

Regional Court Assistance

This program provides timely responses to requests from both the public and the courts, with a single point of contact for courts within a geographic region. In 1996, the program restructured the assigned judges function into similar geographic regions. The primary outreach activity occurred in North Region, where quarterly meetings were facilitated to discuss a variety of issues within the region and where an electronic communications system links all North Region courts with the AOC. Continuing liaison services were provided to Bay Area court administrators.

Supporting committees

Staff supported the Presiding Judges and Court Administrators Advisory Committees, which provided ongoing input to the Judicial Council, other council committees, and the Legislature regarding a number of key issues. These included trial court funding and trial court unification, and the Traffic Advisory Committee, which proposed new California Rules of Court, rule 851, drafted the statewide notice to appear form, developed cleanup legislation

for Vehicle Code section 40152, and made revisions to the 1997 Uniform Bail and Penalty Schedules.

Ongoing challenges in 1997 include the integration of the Assignments unit staff and their responsibilities into the regional teams led by regional analysts and a review of the feasibility of expanding the regional program into other AOC divisions. Staff will continue to support committee efforts to review and provide input on many subject areas, especially trial court funding, collective bargaining, and court employee labor relations. Other areas of focus include the implementation of jury system proposals, resolution of nonstenographic verbatim court records, revision of all notices to appear, and the simplification of traffic appeals procedures.

Statewide Office of Family Court Services

In 1996, staff coordinated five regional trainings attended by more than 800 family court services staff and family law judges, and one Statewide Institute conducted in conjunction with CJER's Family Law Institute. Two statewide meetings and five regional meetings were held for family court services directors and supervisors.

Staff also issued individualized, confidential county reports based on two large-scale representative studies of child custody mediation cases to each family court. These



Kiri Torre
Director, Trial Court Services Division

AOC: Appellate Court Services

Appellate Court Services provides staff coordination for the Judicial Council's Administrative Presiding Justices Advisory Committee, the Judicial Retention Election Task Force, and the Appellate Indigent Defense Oversight Advisory Committee, and serves as liaison to appellate court clerks and administrators. In addition, the unit is responsible for managing the Court Appointed Counsel Program, which provides appellate defense representation to indigents.

TRAINING

In 1996, the unit surveyed appellate court staff regarding training needs and established guidelines for the use of training funds that were adopted by the Administrative Presiding Justices committee. In conjunction with the Education Division, the unit presented the first Appellate Continuing Studies Program in May 1996, which was attended by 35 appellate court staff. A second program in December was attended by 96 staff. A two-day institute for appellate court managers was also conducted, as was a two-day seminar in managing leaves and related employment issues. The unit funded appellate court staff attendance at the California Judicial Administration Conference; the Judicial Administration Institute of California; AOC Mid-Level Management courses; annual meetings of librarians and appellate court clerks; and courses selected by the appellate courts for individual employees.

ANALYSIS

Work was completed on the Appellate Resources Workload analysis, which revised the standards for clerks' office staffing and secretarial support staffing. In addition, a report was prepared for the Judicial Council and the Legislature on the efficiency and effectiveness of the Court Appointed Counsel Program.

During 1997, alternative forecasting methods will be explored to assess court-appointed counsel expenditures more accurately, and work will begin to set standards for "hours of assistance" in capital appeals. In addition, a database for capital case information will be compiled and management training opportunities for appellate court managers expanded. The unit also will work with the Information Systems Bureau to modernize the court-appointed counsel database and enable it to provide program and cost recommendations.

statistics, drawn from the Statewide Office's Uniform Statistical Reporting System (USRS), enabled presiding judges and court executive officers to compare their mediation caseload and clients' satisfaction with the statewide average. Another report, *Future Di-*

rections for Mandatory Child Custody Mediation Services, was also based on the USRS. The third large-scale data collection on family court services was conducted in fall 1996.

Reports distributed to courts in 1996 include *An Integrative Review of the Literature Pertinent to Custody for Children Five Years of Age and Younger*; the accompanying *Report to Parents*, and *Co-Parenting Very Young Children After Divorce*—the results of a dissertation study completed with Statewide Office of Family Court Services' grant program funding.

The Trial Court

Coordination Advisory

Committee continues to

support a strong link

between trial court

coordination and trial

court funding, new

judgeships, and the

assignment of judges.

Daily Journal

November 21, 1996

Judicial Council Gives Awards to 8 Courts

California courts: Still tuned in

After months of debate, the state Judicial Council has approved a modified courtroom TV rule that, for the most part, balances the public's right to know with the right of the defendant to a fair trial.

Under the rule approved the other day, judges still have the power to grant or deny a request for camera coverage. To assist judges in weighing those requests, the council issued some common-sense guidelines, 19 factors that judges must consider when making their decisions. Those factors include, among other things, the effect of coverage on the willingness of the witnesses to cooperate, the privacy rights of participants, the effect on any minors in the case and the importance of promoting public access to the judicial system.

The new rule incorporates one major and troubling new restriction: It bars the videotaping of trial spectators.

One may reasonably question the journalistic value of showing pictures on the evening news of a victim's family sobbing in reaction to some particularly gruesome piece of evidence. As the task force charged by the Judicial Council with studying the issue of cameras in the courtroom noted, such coverage can create "the potential for significant intrusion into the privacy interest of spectators—while not advancing the public's knowledge of the workings of the court."

But there are times in courtrooms when the actions of spectators become news, as when Ellie Nesler gunned down her son's accused molester in open court or when large numbers of spectators attending the O. J. Simpson trial wore angel pins in a silent demonstration of their support for the prosecution. Such images are newsworthy, yet the new rule would bar taking pictures of these events. Such a blanket restriction is over-broad.

Still, in leaving the old TV rules largely intact, the council wisely rejected its own task force's majority report, which had called for barring cameras from arraignments, bail hearings and other pretrial proceedings in criminal cases. Since most criminal cases are disposed of at the pretrial stage, such a rule would have precluded meaningful public access to the very hearings where the most crucial decisions are often made.

Despite the Simpson trial media circus and the strong anti-media reaction to it from Gov. Pete Wilson, some members of the Legislature and the public, the Judicial Council has largely resisted efforts to restrict camera access to the courts. With the exception of the spectator video ban, most of the new rules strengthen the media's, and thus the public's, access to the courts. That's good news, not just for TV stations and newspapers, but also for California's justice system as well.

EDUCATION DIVISION

The Education Division provides a comprehensive state-wide educational program to judges and judicial branch staff at both the trial and appellate court levels. Educational policy guidance is provided by the Governing Committee of the Center for Judicial Education and Research (CJER). The division maintains an audio- and videotape library and publishes a variety of benchbooks, benchguides, and other practice aids for judges.

Education Summary

In 1996, the division worked toward implementing California Rules of Court, rule 970, which the Judicial Council adopted, effective January 1, 1996. The rule sets forth educational requirements for all new judicial officers. During the year, 32 weeks of judicial education programs and 10 weeks of administrative education programs were offered, in addition to numerous publications, video- and audio-tapes, and other technical support services. The division also introduced the first Retired Judges Institute for retired judges sitting or seeking to sit on assignment.

Policy Guidance

The third Strategic Planning Workshop for Judicial Branch Education resulted in consensus that (1) a single governing board should oversee and provide policy guidance for judicial branch education, including both judicial and administrative education, and (2) the Governing Committee should be expanded to include three court administrators

as full voting members. Revisions to California Rules of Court, rule 1029 to implement these changes were proposed to the Judicial Council and adopted, effective January 1, 1997.

Transition

A long-range plan for judicial branch education was developed and approved by the Judicial Council in November. It includes further development of curriculum-based planning and skills-based programs, and expansion of the scope of education programs to court staff.

Appellate Education

Appellate educational options increased substantially in 1996 with the addition of an Appellate Orientation Program for new appellate justices and new academic institutes for appellate management staff. In addition, CJER's annual Clerks' College at Stanford was offered to appellate clerks.

Fairness Education

Diversity/fairness education expanded during 1996. Always an integral part of New Judge Orientation, Juvenile and Family Law Institutes, and Judicial College Faculty Training, a fairness component on the subject of sexual harassment was central to the new Retired Judges Institute.

In 1996, sexual harassment prevention training was central to the new Retired Judges Institute.

addition, a model curriculum entitled “Exploring Judicial Fairness Frontiers: Sexual Orientation Fairness” was offered as a pilot program in October. The curriculum has since been requested by a number of other states for replication. A grant was secured from the State Justice Institute to develop and field-test a model curriculum on sexual harassment prevention and intervention. This curriculum will be offered in at least two counties in 1997.

Audio-Visual Services

The Education Division’s Audio-Visual and Technical Support Services sections provided technical support to Judicial Council business and issues meetings and to all programs offered by the Education Division to judicial officers statewide.

Joint Governance

During 1996, in a groundbreaking decision, the Judicial Council authorized the integration of judicial and judicial branch staff education and approved joint governance pursuant to California Rules of Court, rule 970, which provides for the inclusion of judicial administrators as full voting members of the CJER Governing Committee, effective January 1, 1996.

Special Projects

In addition to providing direct and distance-learning options to the judicial branch, the Education Division continues to play a collaborative role in the preparation, delivery, and implementation of the Judicial Council’s annual

strategic planning workshop. In 1997, the CJER Governing Committee will offer a subsequent strategic planning session to implement the educational activities formulated in the council’s overall plan.

In 1997, the Education Division is expected to collaborate with the Sixth Appellate District in presenting a “Fairness in the Workplace” training program for justices and staff. The program will include elements on racial and ethnic fairness, gender fairness, and persons with disabilities, as well as a special segment on sexual harassment and gender bias in the courtroom and the workplace.

1997 Challenges

The CJER Governing Committee will for the first time oversee and provide policy guidance for both judicial and administrative education. In addition, division programs, such as the New Judge Orientation and Judicial College, must accommodate some 20 additional judicial officers plus new judges elected or appointed to vacancies in the remainder of fiscal year 1996–97, and perhaps 40 additional new judicial officers in fiscal year 1997–98. The division also must continue to implement the transition from event-based planning to curriculum-based planning and to explore alternative delivery systems for education, emphasizing distance-learning research and methodology.



Catherine S. Lowe
Director, Education Division

OFFICE OF GOVERNMENTAL AFFAIRS

Based in Sacramento, the Office of Governmental Affairs (OGA) promotes and maintains positive relations with the legislative and executive branches and advocates on behalf of the Judicial Council on legislative matters. The office identifies bills of interest, assists the Policy Coordination and Liaison Committee (PCLC) in formulating positions on bills, and participates in legislative proceedings in order to represent the council effectively on legislative matters. The office also is responsible for coordinating trial court funding and judicial branch budget advocacy.

Legislative Advocacy

In 1996, under the direction of the PCLC, OGA successfully advocated the council's positions on over 120 bills. OGA also shepherded through the Legislature numerous council-sponsored bills, including a measure providing more than \$50 million in supplemental state and county funding for trial courts in the 1995–96 fiscal year; a bill that created 21 new trial court judgeships and 5 new appellate court judgeships, and another that reformed the ballot information provided to voters in appellate retention elections.

Liaison Activities

At the direction of the PCLC, OGA organized several liaison meetings to discuss legislative issues of mutual concern. PCLC members, the Chief Justice, the Administrative Direc-

tor, and the OGA director and staff met with representatives of the Consumer Attorneys of California, the California District Attorneys Association, California Attorneys for Criminal Justice, the California Defense Counsel, and others during fall 1996. In addition, the Chief Justice, the Administrative Director, and OGA's director attended several OGA-coordinated meetings with the Governor and the Assembly and Senate legislative leadership to discuss issues, including the judicial branch budget and trial court funding.



Ray LeBov
Director, Office of Governmental Affairs

Day-on-the-Bench Program

Launched in 1995, the Day-on-the-Bench Program is an important part of the Judicial Council's ongoing efforts to enhance working relationships between the judicial and legislative branches. Approximately 45 legislators have participated in the Day-on-the-Bench Program to date and have given consistently positive reviews. The purpose of this program is to give legislators a personal understanding of the volume, complexity, variety, and difficulty of the daily duties and responsibilities of a trial court judge. In addition, host judges inform legislators about the status of key issues such as trial court funding.

The Bench-Bar Coalition

The Bench-Bar Coalition (BBC) met with legislators during a “Day in Sacramento” in February to discuss key court-related issues. In addition, BBC members, responding to OGA notification, communicated with the Legislature throughout the year regarding myriad issues, including the critical need for adequate and stable trial court funding.

Other Projects: Bulletins, Reports, Action Plans

In 1996, OGA:

- produced and distributed the *Bi-Weekly Bulletin* to update judges and court administrators on events in the California Legislature;
- produced and regularly updated a Legislative Status Chart, which provides an easy reference to all council positions on current legislation;
- produced and revised as necessary the chart of bills affecting appellate courts to update appellate court justices on current legislation;
- prepared the year-end supplemental issue of *Court News* summarizing selected new and amended laws affecting the courts; and
- prepared the Legislative Implementation Action Plan, which identifies all new legislation requiring judicial branch action.

Looking Ahead

In 1997, OGA will continue to screen, review, and analyze bills introduced in the Legislature and will likely present over 100 relevant bills to the PCLC for a determination of a council position on those bills. The PCLC’s adopted position will direct OGA’s advocacy efforts throughout the two-year legislative session. In addition, the council has approved sponsorship of nine proposals for introduction in 1997. Sponsorship involves a high level of involvement with the bill’s progress through the legislative process, including obtaining an author for the measure; coordinating efforts among AOC staff, the council, and advisory committee members; and serving as primary advocate at every legislative stage of progress.

Trial court funding

One of the most important challenges for OGA, under the direction of the PCLC and the council, continues to be securing passage of trial court funding legislation that will provide a system of adequate and stable funding for the trial courts.

Jury system improvement

The Judicial Council is the sponsor of legislation that includes numerous reforms of the jury system, including reimbursement for juror-related expenses, tax-credit incentives for employers who continue to pay employees during jury service, and authorization for a court to permit alternate jurors to observe the deliberations of the trial jurors in a civil action.

New judgeships

The Governor has included in his fiscal year 1997–98 budget the creation of 40 new judgeships sought by the council. OGA will work closely with the Governor's Office and the Legislature to attempt to secure passage of legislation creating those positions.

Liaison activities

A significant challenge for OGA staff in 1997 will be familiarizing the 33 new legislators with the needs and concerns of the judicial branch.

INFORMATION SYSTEMS BUREAU

The Information Systems Bureau encompasses Information and Records Management, Information Systems Development and Support, Technical and User Support, and Technology Policy and Planning. In addition to information systems development and technical support for the AOC and the appellate courts, the bureau supports coordination of court technology statewide.

New Structure

The division undertook a number of major projects to maintain currency of information technology, facilitate data collection and analysis, and improve customer service. With the assistance of consultants, an organizational review of the division was conducted, resulting in the following newly structured units:

Technology Policy And Planning

Responsible for supporting the coordination of statewide policies and initiatives for the Judicial Council. This unit also is responsible for providing staff support to the Court Technology Advisory Committee.

Information and Records Management

Responsible for ensuring that accurate and timely quantitative information necessary for the effective management of the statewide judiciary is available to the appropriate decision-makers. Staff support is provided to the Court Administrators Advisory Committee, which has oversight responsibility for defining information standards for the judicial branch. This unit also is responsible for providing consultative support to the trial courts on records management and custodial records management support for the appellate courts and the AOC.

Information Systems Development and Support

Responsible for the development and support of all information systems used by the AOC and the appellate courts. The focus of this unit has expanded as the bureau collaborates on projects with the Trial Court Services Divi-

A document management feasibility study for the appellate courts explored the possibilities of electronic filing and more efficient management of information critical to the appellate process.



Patricia M. Yerian
Director, Information Systems Bureau

sion and Finance Bureau to support a financial consolidation and budget development system for the trial courts.

Technical and User Support

Responsible for providing direct support to the appellate courts and the AOC by purchasing, implementing, and supporting hardware, operating systems, and telecommunications services consistent with the overall information technology strategic plan. This focus is expanding as the bureau supports telecommunications connectivity with the trial courts and other nonjudicial branch organizations.

New Projects

The following key projects were implemented:

- A new appellate case management system in the First Appellate District;
- The Oracle Government Financial System for the AOC and the appellate courts;
- A judicial branch Web site containing information about the California court system and providing appellate court opinions; and
- An enhanced Human Resources system that uses PeopleSoft Human Resources Information System software to support new job classifications and that tracks the history and reporting relationships for all positions, calculates salary savings attributable to

vacancies, and supports a performance management program.

Strategic Planning

Ongoing strategic planning processes include support of trial court strategic planning activities sponsored by the Court Technology Advisory Committee and development of a disaster recovery plan proposal for the AOC and the appellate courts to ensure that critical business functions can resume following a disaster. In 1996, a document management feasibility study for the appellate courts was completed to explore the possibilities of electronic filing and more efficient management of information critical to the appellate process.

New Information Policies

Two key information systems policies were established by the Administrative Presiding Justices Advisory Committee. The standard policies governing usage of computer systems in the AOC and the appellate courts were revised to include Internet services, and guidelines for remote access to court computer systems were established.

Plans for 1997

The coordination of technology projects among the bureau's expanded user base of trial, appellate, and AOC staff will remain its key challenge. Keeping pace with rapidly changing technology and attracting and retaining technical staff with the required skills remains another. In addi-

tion, through the Court Technology Advisory Committee, the bureau is integrating support of the AOC and appellate courts with support of the trial courts and of the judiciary's information management needs. Publication of statistical information standards for the judiciary will remain a high priority.

Plans for 1997 include expansion of the new appellate case management system to the Third and Sixth Appellate Districts and three electronic-filing pilot projects. Implementation of document management proposals that incorporate the results of the electronic-filing pilot project will begin with the establishment of electronic case files and document workflow management in the appellate courts.

As services provided to trial courts continue to expand, a new judicial information system that provides administrative information on courts and judicial officers will be implemented. Also planned is a new judicial assignments system to enhance tracking and data collection efforts and a pilot project to evaluate budget development tools for the trial courts using Hyperion/Pillar software.

The judicial branch Web site will also be enhanced to include more detailed information about each appellate court and to provide Web pages to the trial courts that lack resources to develop them. New network and Microsoft Windows operating systems software will be implemented for the AOC and the appellate courts. The Human Resources system will be upgraded to include a time and labor module and recruitment functionality.

HUMAN RESOURCES BUREAU

The Human Resources Bureau provides a complete range of personnel services to state judicial branch agencies. Services include recruitment, classification, payroll, benefits administration, personnel policy development, employer-employee relations, and risk management.

Risk Management Program

A Risk Management Program was created to address risk-related issues involving the workers' compensation process, the Americans with Disabilities Act, the Family Care and Medical Leave Act (FMLA), and the California Family Rights Act (CFRA) to assure compliance with legal requirements and responsiveness to service needs in the AOC and the appellate courts.

New Programs, Technology

Staff completed a new program of scheduled visits to appellate courts to provide information on human resources services available to the courts. In addition, a new performance management process was launched within the AOC to provide managers and supervisors with a structure to communicate organizational, division, and individual performance goals to employees. An in-house management/supervisory training program was initiated to provide AOC managers and supervisors with consistent, comprehensive training in



Judith A. Myers
Director, Human Resources Bureau

the essential components of effective supervision and management. The bureau also initiated a comprehensive classification study of all AOC and selected appellate court classes, which was completed and implemented in 1996. The division continued to implement the PeopleSoft Human Resources Information System, which will aid AOC and court managers in tracking human resources data and analyzing budget and human resources issues.

Plans for 1997

The Human Resources Bureau's challenges include development of a workers' compensation training seminar for appellate court staff and a comprehensive review of the adequacy of judicial branch benefit programs. Implementation will continue on the PeopleSoft Human Resources Information System with an upgrade to an enhanced public-sector version and the development of new modules that will ensure more accurate, timely, and useful management reports. In addition, the Risk Management Program will be enhanced to ensure a safe working environment for employees to reduce work-related accidents and lost time from work and to protect employees in the event of a disaster. Expanding its commitment to professional development, the bureau will develop a training program for all AOC employees to ensure that required skills and knowledge keep pace with changing workplace demands. The bureau will

begin work with the trial courts to identify and respond to court needs for organizational development and other services.

FINANCE BUREAU

The Business Services, Budget, and Accounting units of the Finance Bureau provide an integrated program of budget planning, asset management, accounting, procurement, contract management, and facility coordination to the judicial branch and the trial courts.

Budget

During a year-long process, culminating in delivery of the judicial branch budget to the Department of Finance on November 1, the Budget unit prepared and distributed an improved and well-received budget development package to all courts, reviewed budget requests from 95 trial courts totaling \$1.9 billion (including 700 requests for incremental funding), provided three budget development workshops (north, central, and south), conducted field reviews of baseline budgets for courts in the 29 smallest counties, prepared detailed budget materials for meetings of the Trial Court Budget Commission and other committees, and prepared two mailings for 95 courts of individual results from the budget reviews. The unit also reviewed, submitted, and revised numerous budget change proposals for the Judicial Council and Courts of Appeal as well as prepared detailed budget materials for the Executive and Planning Committee and the Administrative Presiding Justices Advisory Committee.



Martin J. Moshier
Director, Finance Bureau

In 1997, the unit will work to secure passage of the fiscal year 1997–98 Governor’s budget proposal for the state court system, minimize funding uncertainties in the Court Ap-

pointed Counsel Program, and continue to improve the trial court budget development process in order to promote accountability, fairness, and equal access to the justice system.

Business Services

Progress was made during the year on a number of design and construction projects. Office space design for the AOC in the remodeled San Francisco State Building has been nearly completed. In addition to the AOC, the California Supreme Court, and the First Appellate District will relocate to the newly remodeled building when it is completed in January 1999. Construction is ahead of schedule. Also in 1996, this unit assisted the County of Riverside in selecting architectural and engineering firms for the design and construction of a new appellate court there. The base design and the external perspective for the Fourth Appellate District, Division Two, have been completed. In addition, the unit coordinated the move of the Education Division from Emeryville to San Francisco. The new location provides expanded office and classroom space in close proximity to the AOC’s other divisions, improving organizational communication and working relationships.

1997 goals

Securing passage of the fiscal year 1997–98 Governor’s budget proposal for the trial courts and the judicial branch, including statewide consolidation of trial court funding, and improving the trial court budget development process, top this division’s goals. It also is working to minimize funding uncertainties in the Court Appointed Counsel program by securing a deficiency appropriation. The division’s Accounting unit will focus on implementing its new fiscal system, and facility staff will continue to keep its relocation and construction projects on schedule.

The unit will continue to work with the appropriate agencies to maintain the construction schedule for the appellate court in Riverside and Judicial Council and AOC requirements in the remodeled State Building. Another priority is completion of renovations for the Sixth Appellate District facility. The unit will begin a long-term study of trial court facilities and the process of cataloging all California trial court facilities and their operations. This study will examine means of funding trial court facilities and the best structure for determining the need for facility upgrades. Construction also will begin in 1997 on the appellate court in the city of Riverside. The unit will continue refining Judicial Council and AOC requirements in the State Building and will begin the planning process for the 1999 move.

Accounting

This unit dramatically reduced turnaround times for AOC internal accounts payable invoices and travel claims with no increase in personnel. Accounting processes travel claims and invoices for the state judiciary and its committees, including court-appointed attorney claims for the appellate courts and travel claims for the Assigned Judges Program. The division's new fiscal system, which performs accounting, purchasing, and budgeting functions, is seen as a major accomplishment as well as a challenge. The unit must assess how procedures can accommodate the new system and how the system can be modified to meet required state procedures. At the same time, many internal fiscal and management information reports must be customized. The Assigned Judges Program payroll will be processed by a well-established payroll vendor on a monthly basis, which will aid the AOC in monitoring budgets, developing financial projections, and increasing the accuracy of withholding tax calculations.

HELPING THE JUDICIAL COUNCIL SERVE THE COURTS

The AOC assists the Judicial Council in overseeing one of the world's largest court systems. As this chapter illustrates, the council's constitutional and statutory mandates are abundant and complex, and many programs are under way to implement them. Modernizing judicial administration practices, enhancing fairness, and coordinating court resources, including technology resources, are examples of long-term efforts. In addition to helping the council in adopting rules and drafting legal forms, the AOC also helps the council support the courts in the areas of budget, mediation, and judicial and management training, and in expediting judicial business and equalizing the work of judges. Now and in the years ahead, the council, with the AOC's assistance, will continue to provide courts with daily practical assistance as well as policy direction to ensure that justice in California is properly administered and available to all residents equally.

CHANGES IN RULES AND FORMS

During calendar year 1996, the Judicial Council made the following changes to the California Rules of Court and Standards of Judicial Administration:

Appellate Rules

Effective July 1, 1996, the council amended the following rules:

- Rule 1(a) to require service of the notice of appeal by the appellant;
- Rules 15, 28(e)(6), 29.3(a) and (c), 37, 40, and 44(a) with respect to typography and length of briefs and accompanying explanatory matter, and page-limit adjustments;
- Rule 15(h) to allow a phase-in period until December 31, 1997, for persons certifying that they do not have 13-point type available (this subdivision is self-repealing);
- Rule 19.5 to require the appellant to give notice to the reviewing court of a settlement;
- Rule 44 to delete the requirement that parties file copies of briefs with the Supreme Court on computer disk;
- Rule 56.4 (added) to provide for an award of costs in original writ proceedings by establishing a presumption that the prevailing party is entitled to an award of costs;

- Rules 102 and 137 to require service of “routine applications” in appellate departments of superior courts; and
- Rule 105 to reference the appropriate new subdivisions of rule 15 and delete the reference to printed briefs.

Effective January 1, 1997, the council amended the following rules:

- Rule 14(b) to extend the time for a potential amicus curiae to make a request to file a brief in the Supreme Court to 30 days after all the parties’ briefs have been completed.
- Rules 33(a) and 203.5 to implement the existing requirement in rule 203.5 that transcripts of recordings played at trial be included in the record on appeal. The amendments require that such transcripts be filed with the clerk and that they be included in the normal record in a criminal appeal.
- Rule 56(h) was added to rule 56 to specify that a petition for review extends the time for filing a responsive pleading under Code of Civil Procedure section 418 to 10 days after the Supreme Court files its order denying review.

Trial Court Rules

Effective January 1, 1997, the council amended rule 980 to prohibit camera coverage of jury selection, jurors, or spectators in the courtroom. In other areas, including all pretrial hearings in criminal cases, judicial discretion is retained.

Coordination of Multicourt Civil Actions

Coordination of civil actions is a procedural device used to join separate actions for all purposes. The actions must be pending in different courts and must share common questions of fact or law. The purpose of coordination is to avoid multiple trials and inconsistent results and to promote the efficient use of judicial resources. The coordination statute is contained in Code of Civil Procedure sections 404 through 404.8 and is accompanied by California Rules of Court, rules 1501 through 1550.

When a petition for coordination is received, the Chair of the Judicial Council assigns a judge to determine whether the included actions should be joined according to standards specified in Code of Civil Procedure section 404.1. If coordination is granted, the Chair assigns a judge to hear and determine the actions as required by Code of Civil Procedure section 404.3(a) and rule 1540. In selecting a site for the coordination motion and trial assignments, the geographical convenience for parties, witnesses, and counsel is balanced and the administrative needs of the courts are considered.

As of December 31, 1996, 3,269 petitions were received for the coordination of civil actions since the inception of the coordination statute in 1974. In 1996, 88 petitions were received, 17 fewer than in 1995.

The 88 petitions received during 1996 may be characterized as follows:

Included actions

The 88 petitions included 312 individual actions. Of the 312 actions, 92 were pending in the superior courts and 13 in municipal courts. Fifty-seven petitions involved only 2 pending actions. Eleven petitions included 3 actions, and 20 petitions included more than 3 actions.

Subject matter

The 88 petitions involved the following subject areas:

Personal injury (auto, 35; other, 6)	41
Commercial	11
Real property	4
Construction	6
Public law	5
Other	21
TOTAL	88

Dispositions

Of the 88 petitions, 58 were granted, 11 were denied, and 5 were moot or dismissed. Fourteen petitions were still pending as of December 31, 1996.

Urgency legislation signed into law effective September 21, 1996, changed the procedures for coordinating civil actions under Code of Civil Procedure section 404 et seq. The new procedures now allow a party to make a motion to transfer and consolidate noncomplex actions directly to a judge in the trial court in which one of the actions is pending, rather than to the Chair of the Judicial Council. However, requests to coordinate complex actions must still be made by petition to the Judicial Council.

Effective July 1, 1996, the council adopted rule 982.2 to mandate use of a *Civil Case Cover Sheet* (Form 982.2(b)(1)) in all new civil filings.

Judicial Council

Effective July 1, 1996, the council amended rule 1002 to conform to guiding principles adopted by the council at its March 1995 planning meeting.

Effective July 1, 1996, the council amended rule 1025 to change the name of the Judicial Council's Judgeship Needs Advisory Committee to the Court Profiles Advisory Committee.

Effective July 1, 1996, the council amended rules 1027 and 1028 to delete references to justice courts and to clarify that the membership of the Court Profiles Advisory Committee is based on the number of authorized judgeships in California.

Effective January 1, 1997, the council amended rule 1029, relating to the Governing Committee of the Center for Judicial Education and Research (CJER), to formalize the governance of CJER and its relationship to the Judicial Council, to add three judicial administrators, and to make other clarifying changes.

Criminal Change of Venue

In 1996, the Council and Legal Services Division provided administrative assistance to the trial courts in three criminal cases in which a change of venue was granted. All were felonies. The Administrative Office of the Courts has provided assistance in change of venue motions since 1972 (Cal. Rules of Court, rules 840–844). Although no statute or rule requires the AOC to assist the trial courts in civil cases when a change of venue motion is granted, assistance is provided upon the request of the judge granting the motion or the presiding judge.

Effective January 1, 1997, the council amended rule 1024 to provide an additional appellate justice to the membership of the Family and Juvenile Law Advisory Committee.

Civil Rules

Effective January 1, 1997, the council amended rule 335 to permit the incorporation by reference of identical responses to discovery requests.

Small Claims

Effective January 1, 1997, the council amended rule 982.7, which lists the mandatory and optional small claims forms, to add two new mandatory forms and to correct the omission of one optional form.

Juvenile Law

Effective January 1, 1997, the council amended rule 1439, relating to the Indian Child Welfare Act, and made conforming amendments to rules 1410 and 1412 to clarify procedure.

Effective January 1, 1997, the council amended rules 39 and 39.1A, on juvenile appeals, to clarify procedures on filing a notice of appeal and to provide that all information in the appellate file is confidential.

Effective January 1, 1997, the council amended rule 39.1B, on special writ procedures for orders setting a hearing under Welfare and Institutions Code section 366.26, to clarify procedures for filing notices of intent to file a writ petition, and to state that all information in the appellate file is confidential.

Traffic

Effective January 1, 1997, the council adopted rule 851 to establish uniform statewide criteria for eligibility to attend traffic violator school as pretrial diversion under Vehicle Code sections 41501 and 42005.3. The rule also allows commercial drivers to attend traffic violator school.

Effective January 1, 1997, the council amended rule 850 (Uniform Bail and Penalty Schedules) to conform to recent legislation and to clarify the amount of fees collectable for correctable violations when proof of correction has been received.

Court Administration

Effective July 1, 1996, the council amended rule 1005 to delete the reference to justice court judges and increase the number of municipal court judges from three to five.

Effective January 1, 1997, the council amended rule 204, relating to the selection of the presiding judge, to correct an incorrect citation to the Government Code.

Effective January 1, 1997, the council amended rule 795.5 (Availability of Municipal Court Judges for Assignment Duties) to extend it through December 31, 1998.

Removal of Judges

Effective December 1, 1996, the council repealed rules 901 through 920 and 922 except as to cases in which formal proceedings were instituted before March 1, 1995, or in which a notice of intended private admonishment was issued prior to December 1, 1996.

Effective December 1, 1996, the council adopted rule 935 to establish a procedure for judges to file petitions to review decisions of the Commission on Judicial Performance.

Effective December 1, 1996, the council renumbered rule 921 to rule 936 and amended rule 936 to provide for selection of a tribunal to review disciplinary decisions affecting Supreme Court justices.

Publication

Effective January 1, 1997, the council amended rule 977 to clarify that the prohibition against citing unpublished opinions does not apply to decisions from other jurisdictions, to require parties to provide copies of computer-based sources of law when they cite to these sources, and to clarify that Court of Appeal decisions may be cited as soon as they are certified for publication, even when a petition for review is pending in the Supreme Court.

Standards of Judicial Administration

Effective January 1, 1997, Standards of Judicial Administration, section 8.5 was amended to recommend that the judge explain to potential jurors in a criminal case that they are to determine whether the defendant's guilt has been proven beyond a reasonable doubt.

New and Revised Judicial Council Legal Forms

General legal

Effective July 1, 1996, the council revised the following forms to move both the judicial officer's signature line and hearing information to the front of the form for administrative convenience. The revised forms are:

- *Request for Entry of Default* (Form 982(a) (6))
- *Order on Application for Waiver of Court Fees and Costs* (Form 982(a) (18))
- *Order on Application for Waiver of Additional Court Fees and Costs* (Form 982(a) (18.1))

Unlawful detainer

Effective July 1, 1996, the council amended the following forms for optional use to comply with legislation that requires unlawful detainer assistants to place their registration numbers and counties of registration on all their work product:

- *Complaint—Unlawful Detainer* (Form 982.1(90))
- *Answer—Unlawful Detainer* (Form 982.1(95))
- *Form Interrogatories—Unlawful Detainer* (Form FI-128)
- *Writ of Execution* (Form EJ-130)

Effective January 1, 1997, the council made technical and conforming amendments to the following forms:

- *Summons—Unlawful Detainer* (Form 982(a) (11))
- *Answer—Unlawful Detainer* (Form 982.1(95))
- *Writ of Execution* (Form EJ-130)

Civil

Effective July 1, 1996, the council adopted for mandatory use the *Civil Case Cover Sheet* (Form 982.2(b) (1)) for use in all new civil filings.

Effective January 1, 1997, the council adopted the new *Notice of Entry of Dismissal and Proof of Service* form (Form 982(a) (5.1)) to facilitate compliance with rule 383. Effective January 1, 1997, the council made technical amendments to the *Request for Dismissal* form (Form 982(a) (5)).

Effective January 1, 1997, the council adopted the new *Prefiling Order—Vexatious Litigant* form (Form MC-700) for use by the courts in reporting orders relating to vexatious litigants to the Judicial Council.

Effective January 1, 1997, the council adopted for mandatory use the new *Statement of Damages and Proof of Service* form (Form 982(a) (24)) as a statement of damages in personal injury or wrongful death actions.

Small claims

Effective January 1, 1997, the council amended the following forms because of statutory changes, including legislation giving small claims courts jurisdiction over attorney-fee arbitration awards not exceeding \$5,000:

- *Plaintiff's Claim and Order to Defendant* (Form SC-100)
- *Attorney-Client Fee Dispute (Attachment to Plaintiff's Claim)* (Form SC-101)
- *Notice of Entry of Judgment* (Form SC-130)
- *Attorney-Client Fee Dispute (Attachment to Notice of Entry of Judgment)* (Form SC-132)
- *Notice of Motion to Vacate Judgment and Declaration (Small Claims)* (Form SC-135)
- *Information for the Plaintiff* (Form SC-150)

Effective January 1, 1997, the council made clarifying and technical amendments to the *Information for Defendant* form (Form SC-150, side 2.)

Civil harassment

Effective July 1, 1996, the council approved technical changes to the following civil and workplace harassment forms in order to (1) conform to Penal Code sections 273.6 and 12021, (2) ensure entry of civil and workplace harassment protective orders in the CLETS, and (3) conform to existing domestic violence forms adopted by the Judicial Council:

- *Petition for Injunction Prohibiting Harassment* (Form CH-100)
- *Order to Show Cause (Harassment) and Temporary Restraining Order (CLETS)* (Form CH-120)
- *Order After Hearing on Petition for Injunction Prohibiting Harassment (CLETS)* (Form CH-140)

- *Petition for Injunction Prohibiting Harassment of Employee* (Form WH-100)
- *Order to Show Cause and Temporary Restraining Order (CLETS)* (Form WH-120)
- *Order After Hearing on Petition for Injunction Prohibiting Harassment of Employee (CLETS)* (Form WH-140)

Juvenile law

Effective July 1, 1996, the council approved technical changes to the *Notice of Hearing—Juvenile Wardship Proceeding* form (Form JV-625) to provide notice to parents of their potential liability for payment of restitution or fines and penalty assessments ordered by the court against their child.

Effective January 1, 1997, the council revised the following mandatory forms for use in juvenile court proceedings for adoption of dependent children:

- *Petition for Adoption of Dependent Child—Juvenile* (Form JV-360)
- *Order of Adoption—Juvenile* (Form JV-362)

Effective January 1, 1997, the council renamed the *Paternity Declaration—Juvenile* to *Paternity Findings and Judgment—Juvenile Dependency* (Form JV-501), with revisions to clarify that the court has made a finding of paternity and is entering a judgment of paternity.

Effective January 1, 1997, the council adopted the new *Paternity—Waiver of Rights* form (Form JV-505) for use by the father in paternity proceedings.

Domestic violence

Effective January 1, 1997, the council revised the following domestic violence forms (adopted as California Rules of Court) to conform to statutory changes and to increase effectiveness of court administration:

- *Application and Declaration for Order* (Rule 1296)
- *Order to Show Cause and Temporary Restraining Order (CLETS)* (Rule 1296.10)
- *Restraining Order After Hearing (CLETS)* (Rule 1296.29)

Family law

Effective January 1, 1997, the council amended the following forms to correct statutory references:

- *Judgment (Family Law)* (Rule 1287)
- *Declaration Under Uniform Child Custody Jurisdiction Act (UCCJA)* (Form MC-150)

Cameras in court

Effective January 1, 1997, the council amended the *Media Request to Photograph, Record, or Broadcast* form (Form MC-500) and adopted the new *Order on Media Request to Permit Coverage* form (Form MC-510) to implement newly revised rule 980 relating to the use of cameras in the courtroom.

Miscellaneous

Effective October 28, 1996, the council approved the *Earnings Withholding Order Supplement (Wage Garnishment)* form (Form 982.5(2)(S)) to reflect changes in the federal minimum wage.

Effective July 23, 1996, the council revised the *Information Sheet on Waiver of Court Fees and Costs* (Form 982(a)(A)) to conform to changes in the federal poverty guidelines.